

CERTIFIED COPY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

- - - - -
Coordination Proceeding Special)
Title (Rule 1550(b)))
In re TOBACCO CASES II)
This document relates to:) JCCP NO. 4042
Devin Daniels, et al., vs.) DEPOSITION OF
Philip Morris Incorporated,) FRANCES CREIGHTON
et al., San Diego Superior)
Court Case No. 71946)
-AND-)
Willard R. Brown, et al., vs.)
The American Tobacco Company,)
Inc., et al. (San Diego Superior))
Court Case No. 711400)
SERVICE LIST "D/G")
- - - - -

TAKEN ON: MONDAY, AUGUST 27, 2001

TAKEN AT: 550 West "C" Street
Suite 1440

San Diego, California

REPORTED BY: Florinda St. Cyr
CSR No. 10180, RPR

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52601 6715

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34 ALSO PRESENT: CHRISTIAN TEARE, Videographer

1
2 WITNESS EXAMINED BY PAGE
3 FRANCES CREIGHTON By Mr. Blumenthal 6

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5
6 E X H I B I T S
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8 (NONE)
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1 SAN DIEGO, CALIFORNIA, MONDAY, AUGUST 27, 2001;

2 9:46 A.M.

3

4 VIDEOGRAPHER: Good morning. We are on the record. 09:45:31
5 This is the videotape deposition of Frances Creighton, 09:45:36
6 taken In re: Tobacco Cases II, relating to Devin 09:45:39
7 Daniels, et al., versus Philip Morris Companies, Inc., 09:45:45
8 et al., in the Superior Court of California, County of 09:45:48
9 San Diego, case JCCP 4042. We're in the offices of 09:45:53
10 Vail, Christians & Associates, 550 West "C" Street, 09:46:02
11 Suite 1400 in San Diego. 09:46:04

12 Today's date is Monday, August 27th, 2001, and the 09:46:07
13 time is 9:46 A.M. My name is Christian Teare. I'm 09:46:11
14 with the firm of AJL Video, 1919 Grand Avenue, 09:46:17
15 Suite 2C in San Diego. The certified shorthand 09:46:21
16 reporter is Florinda St. Cyr with Vail, Christians & 09:46:27
17 Associates. 09:46:31

18 Video and audio recording will be taking place at 09:46:31
19 all times during this deposition, unless counsel have 09:46:35
20 specifically requested to go off the record. 09:46:39

21 If counsel would please state your appearances, the 09:46:42
22 reporter will then swear in the witness. 09:46:47

23 MR. BLUMENTHAL: Norm Blumenthal, attorney for the 09:46:51
24 plaintiff class. 09:46:54

25 MR. NORDREHAUG: Kyle Nordrehaug, attorney for the 09:46:58

1 plaintiff class.

2 MR. THOMPSON: Todd Thompson of Howard Rice. I'm 09:47:03
3 counsel for R.J. Reynolds Tobacco Company. With me is 09:47:03
4 Martin Holton, who also represents R.J. Reynolds 09:47:08
5 Tobacco Company. 09:47:12

6 MR. EATON: Dan Eaton, Seltzer Caplan, representing 09:47:15
7 Philip Morris, Incorporated. 09:47:17

8 MS. WESTPHAL: Kristin Westphal of Gray Cary, Ware 09:47:19
9 & Freidenreich, representing Lorillard.

10 MR. DISAIA: Steve DiSaia, Sedgwick Detert Moran & 09:47:21
11 Arnold for Brown & Williams Tobacco Corporation. 09:47:26

12 FRANCES VIRGINIA CREIGHTON,

13 HAVING BEEN FIRST DULY SWORN, TESTIFIES

14 AS FOLLOWS:

15 MR. BLUMENTHAL: Before we get started, we have a 09:47:45
16 stipulation on the record that an objection by one 09:47:48
17 defense counsel is deemed to be an objection for all. 09:47:51
18 Is that okay with defense counsel? 09:47:54

19 MR. EATON: That's fine. 09:47:56

20 MR. DISAIA: Absolutely. 09:47:57

21 MR. THOMPSON: Fine. 09:48:00

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L A W Y E R' S N O T E S

52601 6720

1 EXAMINATION
2 BY MR. BLUMENTHAL: 09:47:44
3 Q. Please state your name for the record, please. 09:48:02
4 A. Yes. Frances Virginia Creighton. 09:48:04
5 Q. And would you prefer to be called 09:48:07
6 Ms. Creighton or Mrs. Creighton? 09:48:09
7 A. Ms. Creighton. 09:48:12
8 Q. Okay. Great. Could you give me your current 09:48:13
9 business address, please. 09:48:14
10 A. 100 North Main Street, Winston-Salem, North 09:48:14
11 Carolina 27102. 09:48:21
12 Q. Is that with R.J. Reynolds Tobacco Company? 09:48:23
13 A. That's correct. 09:48:27
14 Q. If I say "RJR," can we agree that means R.J. 09:48:27
15 Reynolds Tobacco Company that's a defendant in this 09:48:33
16 case? 09:48:34
17 A. Yes, you can. 09:48:35
18 MR. BLUMENTHAL: Is that all right with you, 09:48:36
19 Counsel? 09:48:37
20 MR. THOMPSON: Sure. 09:48:39
21 BY MR. BLUMENTHAL: 09:48:41
22 Q. How long have you been with RJR? 09:48:42
23 A. 20 years. 09:48:42
24 Q. I don't want to go over all of your positions. 09:48:42
25 I've done a deposition before where I spent most of the 09:48:42

1 day going over general positions. What's your current 09:48:44
2 position, Ms. Creighton, with RJR? 09:48:49
3 A. Marketing vice president for Camel cigarettes. 09:48:53
4 Q. How long have you been in that position? 09:48:56
5 A. Since early 1997. 09:49:00
6 Q. Prior to 1997, were you involved with Camel 09:49:06
7 cigarettes in any way? 09:49:09
8 A. Yes, I was in the position of director for 09:49:10
9 two years prior to that, also in charge of Camel 09:49:15
10 marketing. 09:49:20
11 Q. So that would bring us sometime in 1995? 09:49:21
12 A. That's correct. 09:49:24
13 Q. And prior to that position, were you involved 09:49:25
14 with Camel in any way? 09:49:27
15 A. Yes, I was. 09:49:28
16 Q. Okay. Would you tell me about that. 09:49:29
17 A. I was in charge of the area of direct 09:49:31
18 marketing for both Winston and Camel cigarettes. 09:49:34
19 Q. And what period of time was that? 09:49:41
20 A. '93, '94. 09:49:43
21 Q. And prior to that, were you involved with 09:49:46
22 Camels? 09:49:48
23 A. I was involved with Camels in 1986 and '87 as 09:49:50
24 the marketing research manager. 09:50:00
25 Q. Okay. And prior to that, Ms. Creighton, were 09:50:07

1 you involved with Camels, prior to being involved as 09:50:09
2 marketing and research manager? 09:50:12
3 A. Not directly. 09:50:17
4 Q. All right. And I take it you came to the 09:50:18
5 company in 1981, approximately? 09:50:21
6 A. That's correct. 09:50:23
7 Q. What was your first position with the company? 09:50:24
8 A. Marketing research analyst. 09:50:26
9 Q. And did you, at that time, do any work with 09:50:32
10 regard to Camels? 09:50:35
11 A. Not specifically. 09:50:36
12 Q. Okay. Tell me generally the first position, 09:50:37
13 generally what you did. 09:50:41
14 A. I was originally hired by R.J. Reynolds 09:50:42
15 Tobacco International. The two years of training in 09:50:45
16 that company consisted of working in the domestic 09:50:52
17 tobacco company in a series of rotations, to learn 09:50:55
18 marketing research. 09:50:59
19 Q. So during that first two-year period, 09:51:04
20 approximately '81 to '82, in your position, you learned 09:51:06
21 about marketing research? 09:51:09
22 A. That's correct. 09:51:11
23 Q. If I had to ask you to give me a definition of 09:51:20
24 "marketing research," could you do that? 09:51:22
25 A. Yes. 09:51:26

1 Q. Okay. Why don't you tell me how you would 09:51:27
2 define "marketing research." 09:51:29
3 A. I'll define it broadly. 09:51:36
4 Q. Okay. 09:51:36
5 A. It's the collection of information related to 09:51:37
6 sales or sales to customers, designed to help the 09:51:42
7 company make decisions, informed decisions, on the 09:51:52
8 business. 09:51:58
9 Q. [REDACTED] in the collection of information related 09:52:00
10 to sales to customers designed to help the company, do 09:52:03
11 you also study the demographics of the customers? 09:52:07
12 A. [REDACTED] have information to look at demographics of 09:52:11
13 adult smokers yes. 09:52:16
14 MR. THOMASON: Norm, I don't want to interrupt your 09:52:27
15 exam, but before you get into too much substance, I 09:52:29
16 wanted to make clear why Ms. Creighton is here, mostly 09:52:32
17 to you, but as well as sort of for the record, because 09:52:36
18 the plaintiffs have served a number of PMK depositions, 09:52:38
19 just as much for your benefit as anything. 09:52:44
20 She's here, first of all, in her personal capacity, 09:52:47
21 because we had an agreement we would produce her for 09:52:53
22 testimony about subjects post the California AG 09:52:54
23 depositions, so she'll be available for her own 09:53:00
24 personal testimony about that. 09:53:03
25 But also as to the PMK depositions, there are four 09:53:05

1 notices that she is relevant to. Two of the notices 09:53:08
2 are numbered 2 and 3 No. 2 concerns Camel cigarettes 09:53:13
3 with a C, and No. 3 concerns Kamel cigarettes with a K. 09:53:21
4 The primary topic of those two is communications 09:53:25
5 between outside service providers to Reynolds "and 09:53:28
6 Reynolds" about various topics. She'll be responding 09:53:31
7 to all of the topics in 2 and 3, with the exception of 09:53:35
8 topics concerning advertisement placement in magazines. 09:53:43
9 She has [redacted] ultimate responsibility for that but really 09:53:47
10 is not involved day to day, and therefore, she won't -- 09:53:51
11 she can answer questions about that ultimate 09:53:54
12 responsibility, otherwise not, and won't be responding 09:53:58
13 to categories 163 through 180. 09:54:01
14 Then the next series of topics are communications 09:54:09
15 about outdoor advertising of Camel with a C or Kamel 09:54:14
16 with a K. She will be responding as to the content of 09:54:19
17 that advertising but not the placement of the 09:54:23
18 advertising, which really wasn't within her direct 09:54:26
19 responsibility. So that's Topics 181 through 198. 09:54:28
20 Then she'll be responding to the remainder, except 09:54:42
21 for the parallel ones, about advertisement placement in 09:54:45
22 magazines for Berg, that is KBA, and what's now known 09:54:51
23 as Mullen LHC. Those are 236 through 252. Again, 09:54:56
24 she's had ultimate responsibility but won't be 09:55:08
25 responding about that. 09:55:10

Then there is, again, parallel ones, 253 through 09:55:12
270, that concern communications with either Mullen LHC 09:55:17
or KBA on outdoor advertising. She'll testify about 09:55:21
the content but not about the placement; that is, she's 09:55:24
not responding for Reynolds on those topics. Again, I 09:55:29
haven't numbered -- I'm not going to go through the 09:55:33
parallel ones for Camel with a K, but it's the same 09:55:34
situation. 09:55:37

Then on deposition notice No. 5, she will be 09:55:38
responding to Topics 679 through 687; that is, the 09:55:42
compliance of Reynolds with the cigarette advertising 09:55:48
codes for Camel cigarettes only, but those topics for 09:55:53
Camel cigarettes. 09:55:56

Finally, there's a deposition notice that is 09:56:03
numbered No. 5, but I think that's a mistake by your 09:56:07
firm. You meant No. 6, but it was served just the 09:56:11
other day. So we'll call it the second No. 5. She 09:56:14
will testify on Topics 698 through 737, and again, 792 09:56:19
through 800. Let me go back. 698 through 737 09:56:33
concerns, generally, consumer smoking of Camel 09:56:39
cigarettes, advertising for Camel, promotions for 09:56:43
Camel, marketing ads for the use of Camel during 09:56:46
various years. Then there are three sort of similar 09:56:51
catch-alls for Camel with a K. 09:56:54

Then as to 792 to 800, those concern sponsorship of 09:56:59

1 events, as defined in the notice. She'll deal with 09:57:04
2 that as far as Camel sponsorship of events. 09:57:07

3 MR. BLUMENTHAL: Fair enough. 09:57:11

4 MR. THOMPSON: The next is the Joe Camel cigarette 09:57:12
5 campaign. And I'll allow some -- I'll allow 09:57:14
6 examination about that, to the extent it falls within 09:57:17
7 the class period. Earlier -- you know, we could argue 09:57:19
8 about whether earlier is relevant, but she's already 09:57:22
9 been deposed thoroughly about those, and we've given 09:57:26
10 you those deposition transcripts. So obviously, I'll 09:57:28
11 allow limited examination there but not full-blown 09:57:34
12 examination, because you've already got it. And it's 09:57:36
13 just going to take up time. 09:57:38

14 So she'll respond to 801 for post 1992, and then 09:57:40
15 802, 803 and 804, which concern three other cigarette 09:57:45
16 campaigns during the class period. So that's -- 09:57:50
17 forgive me for the long introduction, but that's what 09:57:53
18 she's here for. 09:57:55

19 MR. BLUMENTHAL: That's fine.

20 Q. Ms. Creighton, I'm sure your counsel will 09:57:58
21 object if I go too far afield. I hope he'll show me 09:58:00
22 some latitude in getting into this deposition. 09:58:04

23 MR. BLUMENTHAL: Because I did, Counsel, have 09:58:07
24 some -- have some preliminary questions I wanted to get 09:58:09
25 into, to get a feel for her knowledge as a person most 09:58:12

1	knowledgeable.	09:58:15
2	MR. THOMPSON: That's an appropriate area of	09:58:20
3	inquiry.	09:58:22
4	MR. BLUMENTHAL: Okay. Let me see if I can start	09:58:23
5	out.	09:58:24
6	Q. First thing -- I apologize for asking you	09:58:25
7	this, because I know that salaries are sensitive,	09:58:27
8	private topics, but I saw in the previous examination	09:58:30
9	there was questioning on that. So following it was	09:58:34
10	allowed there and assuming it would be allowed here,	09:58:38
11	I'd like to ask you what your current compensation	09:58:39
12	package is with R.J. Reynolds.	09:58:42
13	MR. THOMPSON: I'll allow limited inquiry into this	09:58:47
14	area.	09:58:50
15	BY MR. BLUMENTHAL:	09:58:50
16	Q. And you can be general, too. You know, why	09:58:51
17	don't we start here. Is your salary in the six	09:58:54
18	figures?	09:58:57
19	A. Yes.	09:58:57
20	Q. Okay. Is it in the mid-six figures?	09:58:57
21	A. No.	09:59:00
22	Q. Low six figures?	09:59:00
23	A. Low six figures.	09:59:02
24	Q. Do you have a bonus plan?	09:59:04
25	A. Yes.	09:59:05

1 Q. Is that in the six figures? 09:59:05
2 A. Depending on whether we meet our objectives, 09:59:08
3 it has the potential to be in the six figures. 09:59:11
4 Q. Okay. Good. Has that potential been seven 09:59:14
5 figures? 09:59:17
6 A. No. 09:59:18
7 Q. Six figures or low six figures? 09:59:19
8 A. Low six figures. 09:59:20
9 Q. Two low six figures. How about your stock 09:59:22
10 option plan? As you sit here today, has that allowed 09:59:23
11 you to -- I assume some of it is vested; is that a fair 09:59:27
12 statement? 09:59:31
13 A. Yes. 09:59:31
14 Q. Okay. Has that given you compensation in the 09:59:32
15 low to mid-six figures? 09:59:34
16 A. Below six figures. 09:59:35
17 Q. Okay. That's enough for me. I'm sensitive to 09:59:37
18 it, and I don't wish to inquire into your private 09:59:41
19 matters, but I did want to get a feel of where you are 09:59:45
20 in kind of the pecking order in the company. Would you 09:59:49
21 consider yourself a senior management executive? 09:59:52
22 A. I'm an officer of the company, yes. 09:59:55
23 Q. Okay. Do you attend board meetings? 09:59:56
24 A. No. 09:59:59
25 Q. Would you consider yourself at a level just 10:00:00

1 below the board level? 10:00:02
2 A. I report to an executive vice-president, who 10:00:06
3 reports to our CEO. 10:00:09
4 Q. Okay. Obviously the CEO is on the board. Is 10:00:10
5 the executive vice-president whom you report to on the 10:00:14
6 board? 10:00:17
7 A. Yes. 10:00:17
8 Q. What is his or her name? 10:00:18
9 A. Her name is Lynn Beasley. 10:00:20
10 Q. And Lynn reports to Mr. Johnson? 10:00:22
11 A. Mr. Schinler. 10:00:25
12 Q. Mr. Schinler reports to Mr. Johnson? 10:00:27
13 A. Mr. Johnson doesn't work at Reynolds. 10:00:31
14 Q. When did Mr. Johnson leave Reynolds? 10:00:33
15 A. Jim Johnson? 10:00:34
16 Q. Yes. 10:00:35
17 A. Several years ago. 10:00:37
18 Q. Okay. Do you have the approximate date? 10:00:39
19 A. I'd have to check. It's been a number of 10:00:43
20 years. Three or four years. 10:00:45
21 Q. Three or four years. Okay. Again, this is 10:00:46
22 just preliminary inquiry. Biggest, broadest question I 10:00:54
23 think I can ask you in terms of your knowledge. Do you 10:00:59
24 know who Dick Reynolds was? 10:01:02
25 A. Are you referring to R.J. Reynolds? 10:01:04

1 Q. Yes. 10:01:07
2 A. As the founder of our company? 10:01:07
3 Q. Yes. 10:01:09
4 A. I didn't know him personally, but yes. 10:01:10
5 Q. Okay. And Mr. Reynolds -- do you know when he 10:01:13
6 founded RJR? 10:01:17
7 A. Camel was launched in 1913. He founded the 10:01:24
8 company some years before that. 10:01:28
9 Q. Do you know Camel and Lucky Strike to be the 10:01:31
10 first manufactured, mass-produced manufactured 10:01:35
11 cigarettes in the country? 10:01:39
12 MR. THOMSON: Objection. Lacks foundation. 10:01:41
13 THE WITNESS: I have read in historical documents 10:01:43
14 that Camel was the first nationally marketed cigarette 10:01:47
15 in the country. 10:01:52
16 BY MR. BLUMENTHAL: 10:01:54
17 Q. Okay. Is there a person at RJR you would call 10:01:54
18 the historian? 10:01:58
19 A. I don't know of any individual we call a 10:02:01
20 historian. 10:02:04
21 Q. Is there a person at RJR you would call a 10:02:06
22 archivist, someone who maintains, for example, the 10:02:08
23 original documents of Mr. Dick Reynolds? 10:02:11
24 A. Not that I'm aware of. 10:02:16
25 Q. Okay. So is there a history of RJR that 10:02:18

1 someone at the company keeps? 10:02:22
2 A. I'm not aware of a specific history that's 10:02:28
3 being kept on R.J. Reynolds. 10:02:30
4 Q. Okay. I'll ask you some questions. These are 10:02:32
5 going to be questions -- true-and-false questions in 10:02:58
6 terms of you can just answer true or false. You don't 10:03:00
7 have to give any more information than I'm going to go 10:03:02
8 through those for you. 10:03:07
9 The first one is, is it true and false that 10:03:11
10 advertising and promotion of cigarettes by tobacco 10:03:13
11 companies, including RJR, is an important cause of 10:03:17
12 children smoking? 10:03:20
13 MR. THOMPSON: Objection. Vague and ambiguous. 10:03:22
14 lacks foundation, calls for speculation. 10:03:25
15 THE WITNESS: I don't know if it's true or false. 10:03:28
16 BY MR. BLUMENTHAL: 10:03:29
17 Q. Okay. And what I would like you to do, if 10:03:30
18 you're not certain -- I don't want to you speculate, 10:03:33
19 but I want your best testimony today. In giving your 10:03:36
20 best testimony today and with 20 years experience in 10:03:39
21 the industry, could you tell me, is your belief -- is 10:03:42
22 it true or false that advertising and promotion of 10:03:46
23 cigarettes by the tobacco companies, including RJR, is 10:03:49
24 an important cause of children smoking? 10:03:52
25 MR. THOMPSON: Okay. I'm going to assert the same 10:03:56

1 objections. Plus, it sounds like now you're calling 10:03:58
2 for her opinion testimony, which is inappropriate here. 10:04:01
3 She hasn't been designated to testify about that issue 10:04:03
4 at all. 10:04:06

5 Go ahead and -- but I'm not going to stop you from 10:04:07
6 answering the question. So if you have any more -- 10:04:11
7 well, if you have an opinion on the issue, you can 10:04:15
8 provide it. 10:04:17

9 THE WITNESS: Can I ask you to repeat the question, 10:04:18
10 please? 10:04:19

11 BY MR. BLUMENTHAL: 10:04:21

12 Q. Is it true or false that advertising 10:04:22
13 and promotions of cigarettes by the tobacco companies, 10:04:24
14 including [REDACTED] is an important cause of children 10:04:26
15 smoking? 10:04:29

16 A. In my opinion, it would be false. 10:04:32

17 Q. Okay. Is it true or false that 90 percent of 10:04:34
18 all smokers start smoking before they are 19 years old? 10:04:39

19 A. I don't know. 10:04:44

20 Q. Okay. 10:04:45

21 MR. THOMPSON: I would have -- I would have 10:04:46
22 objected to that as lacking foundation. But anyway, go 10:04:48
23 ahead. 10:04:51

24 BY MR. BLUMENTHAL: 10:04:52

25 Q. Again, with your 20 years experience, I don't 10:04:52

1 want you to speculate, but I want you to give me your 10:04:55
2 best statement as to what you know, as the person most 10:04:57
3 knowledgeable on consumer smoking at RJR. In your 10:05:02
4 experience, is it true or false that 90 percent of all 10:05:08
5 smokers start smoking before they are 19 years old? 10:05:11

6 MR. THOMPSON: Objection. Lacks foundation. 10:05:16

7 THE WITNESS: I don't know. 10:05:19

8 BY MR. BLUMENTHAL: 10:05:20

9 Q. Okay. Is it true or false that more than 60 10:05:20
10 percent of all smokers start smoking before they're 16 10:05:25
11 years old? 10:05:29

12 MR. THOMPSON: Same objection. 10:05:30

13 THE WITNESS: I don't know. 10:05:31

14 BY MR. EATON: 10:05:32

15 Q. Is it true or false that only 5 percent of 10:05:37
16 smokers start smoking after 24? 10:05:41

17 MR. THOMPSON: Lacks foundation. Objection. 10:05:44

18 THE WITNESS: I don't know. 10:05:46

19 BY MR. BLUMENTHAL: 10:05:47

20 Q. Is it true or false that the average age of a 10:05:51
21 person who starts smoking -- started smoking in the 10:05:54
22 1990s was 13.9 years of age? 10:05:57

23 MR. THOMPSON: Objection. Lacks foundation. 10:06:01

24 THE WITNESS: I don't know. 10:06:02

25 BY MR. BLUMENTHAL: 10:06:02

Produced by RJR

	Tobacco Cases II	8/27/01	Frances Creigh
1	Q. Okay. Is it true or false that one of the	10:06:02	
2	principal products that RJR sells to children is doubt:	10:06:10	
3	"Doubt your teachers, doubt your parents, doubt your	10:06:16	
4	government that smoking cigarettes is addictive"?	10:06:19	
5	MR. THOMPSON: Objection. Vague and ambiguous,	10:06:23	
6	argumentative in the extreme and lacks foundation.	10:06:25	
7	THE WITNESS: I'm not sure what your question is.	10:06:33	
8	BY MR. BLUMENTHAL:	10:06:36	
9	Q. The question is -- I'll repeat it again. It	10:06:36	
10	has to do with addiction. Let me focus on the last	10:06:38	
11	word of it. Is it true or false that one of the	10:06:41	
12	principal products RJR sells to children is doubt:	10:06:44	
13	"Doubt your teachers, doubt your parents, doubt your	10:06:49	
14	government that smoking cigarettes is addictive"?	10:06:52	
15	MR. THOMPSON: Same objections.	10:06:57	
16	THE WITNESS: I don't know.	10:06:58	
17	BY MR. BLUMENTHAL:	10:06:59	
18	Q. Okay. I'm going to ask the same question,	10:06:59	
19	then, about causing cancer. Is it true or false that	10:07:03	
20	one of the principal products that RJR sells to	10:07:07	
21	children is doubt: "Doubt your teachers, doubt your	10:07:10	
22	parents, doubt your government that smoking cigarettes	10:07:13	
23	has been proven to cause cancer"?	10:07:16	
24	MR. THOMPSON: Objection. Lacks foundation,	10:07:20	
25	argumentative, vague and ambiguous.	10:07:21	

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VAIL, CHRISTIANS & ASSOCIATES (619) 544-8344

1 MR. EATON: Compound. 10:07:24
2 THE WITNESS: I don't know. 10:07:25
3 BY MR. BLUMENTHAL: 10:07:26
4 Q. Is it true or false that one of the principal 10:07:30
5 products RJR sells to children is doubt: "Doubt your 10:07:32
6 teachers, doubt your parents, doubt your government 10:07:36
7 that smoking cigarettes has been proven to cause 10:07:39
8 emphysema"? 10:07:42
9 MR. THOMPSON: Same objections. 10:07:45
10 THE WITNESS: I don't know. 10:07:47
11 BY MR. BLUMENTHAL: 10:07:47
12 Q. Okay. Is it true or false that one of the 10:07:48
13 principal products RJR sells to children is doubt: 10:07:51
14 "Doubt your teachers, doubt your parents, doubt your 10:07:55
15 government that smoking cigarettes has been proven to 10:07:58
16 cause heart disease"? 10:08:01
17 MR. THOMPSON: Same objections. Argumentative. 10:08:04
18 THE WITNESS: I don't know. 10:08:07
19 BY MR. BLUMENTHAL: 10:08:07
20 Q. Okay. Do you understand, Ms. Creighton, that 10:08:07
21 the class period in this case is April 2nd, 1994 to 10:08:15
22 December 31, 1999? 10:08:16
23 A. Yes. 10:08:19
24 Q. And if I use the words "class period," I'm 10:08:19
25 going to be referring to those dates, which are 10:08:22

1 approximately '94 through '99. Is that okay? 10:08:24
2 A. Yes. 10:08:28
3 Q. Okay. More true-or-false questions. Is it 10:08:28
4 true or false that RJR represented to the public before 10:08:34
5 the class period that smoking cigarettes is not 10:08:37
6 addictive? 10:08:40
7 MR. THOMPSON: Objection. Lacks foundation. 10:08:42
8 THE WITNESS: I don't know. 10:08:44
9 BY MR. BLUMENTHAL: 10:08:44
10 Q. Okay. Okay. Next question, is it true or 10:08:45
11 false that RJR represented to the public during the 10:08:51
12 class period that smoking cigarettes is not addictive? 10:08:53
13 MR. THOMPSON: Objection. Lacks foundation. 10:08:57
14 Again, she was not designated for any of this that's 10:08:59
15 gone on up to this point. 10:09:02
16 THE WITNESS: I don't know. 10:09:06
17 MR. BLUMENTHAL: Okay. I think she was. We just 10:09:07
18 agree to disagree. I think in consumer smoking, she 10:09:12
19 comes on to that. 10:09:15
20 MR. THOMPSON: Consumers, obviously, means legal 10:09:17
21 consumers, not illegal consumers. We don't have any 10:09:19
22 reason to have anyone that knows about that. We're not 10:09:24
23 designating anyone who talks about that. 10:09:25
24 MR. BLUMENTHAL: Let me see if I can clarify, 10:09:29
25 because I was talking about the public at large, not 10:09:30

1 children anymore. 10:09:33

2 Q. So the question is, is it true or false -- 10:09:34

3 MR. THOMPSON: Hang on. We're not designating 10:09:36
anyone to talk about smoking. It's not something that 10:09:38
Reynolds studies and certainly not something that's in 10:09:41
the purview of a marketer. So when we talk about 10:09:45
consumers, we're talking about legal consumers. 10:09:48

4
5 MR. BLUMENTHAL: Fair enough. With that point in 10:09:51
mind, let me repeat the question, and then maybe that 10:09:54
was the misunderstanding. 10:09:58

6
7 Q. Is it true or false that RJR represented to 10:10:02
8 the public during the class period that smoking 10:10:04
9 cigarettes is not addictive? 10:10:07

10 MR. THOMPSON: Same objections. 10:10:12

11 THE WITNESS: I don't know. 10:10:14

12 BY MR. BLUMENTHAL: 10:10:14

13 Q. Next one, is it true or false that RJR 10:10:18
14 represented to the public after the class period that 10:10:21
15 smoking cigarettes is not addictive? 10:10:24

16 MR. THOMPSON: Just to clarify, Norm, do you mean 10:10:27
17 after 1999? 10:10:29

18 MR. BLUMENTHAL: Yes. 10:10:30

19 MR. THOMPSON: Okay. 10:10:32

20 THE WITNESS: I don't know. 10:10:32

21 BY MR. BLUMENTHAL: 10:10:33

1 Q. Okay. Is it true or false that RJR 10:10:33
2 represented to the public before the class period that 10:10:36
3 cigarette smoking has not been proven to cause cancer? 10:10:40
4 MR. THOMPSON: Objection. Lacks foundation. 10:10:44
5 THE WITNESS: I don't know. 10:10:48
6 BY MR. BLUMENTHAL: 10:10:48
7 Q. Is it true or false that RJR represented to 10:10:49
8 the public during the class period that cigarette 10:10:52
9 smoking has not been proven to cause cancer? 10:10:55
10 MR. THOMPSON: Objection. Lacks foundation. 10:10:59
11 THE WITNESS: I don't know. 10:11:00
12 BY MR. BLUMENTHAL: 10:11:01
13 Q. Is it true or false that RJR represented to 10:11:02
14 the public after the class period that cigarette 10:11:04
15 smoking has not been proven to cause cancer? 10:11:07
16 MR. THOMPSON: Objection. Lacks foundation. 10:11:11
17 THE WITNESS: I don't know. 10:11:13
18 BY MR. BLUMENTHAL: 10:11:13
19 Q. Is it true or false that RJR represented to 10:11:14
20 the public during the class period that cigarette 10:11:17
21 smoking has not been proven to cause emphysema? 10:11:20
22 MR. THOMPSON: Objection. Lacks foundation. 10:11:27
23 THE WITNESS: I don't know. 10:11:30
24 BY MR. BLUMENTHAL:
25 Q. Is it true or false that RJR represented to 10:11:31

1 the public before the class period that cigarette 10:11:33
2 smoking has not been proven to cause emphysema? 10:11:34
3 MR. THOMPSON: Objection. Lacks foundation. 10:11:39
4 THE WITNESS: I don't know. 10:11:40
5 BY MR. BLUMENTHAL: 10:11:40
6 Q. Is it true or false that RJR represented to 10:11:40
7 the public after the class period that cigarette 10:11:43
8 smoking has not been proven to cause emphysema? 10:11:45
9 MR. THOMPSON: Objection. Lacks foundation. 10:11:51
10 THE WITNESS: I don't know. 10:11:53
11 BY MR. BLUMENTHAL:
12 Q. Is it true or false that RJR represented to 10:11:54
13 the public before the class period that cigarette 10:11:55
14 smoking has not been proven to cause heart disease? 10:11:57
15 MR. THOMPSON: Objection. Lacks foundation. 10:12:02
16 Again, she was not designated for this purpose, and in 10:12:04
17 fact, I don't believe any of these topics are anywhere 10:12:05
18 within the PMK notices. 10:12:07
19 MR. BLUMENTHAL: This has to do with consumer 10:12:12
20 smoking, Todd. 10:12:14
21 MR. THOMPSON: It's way, way, way afield of 10:12:17
22 consumer smoking, which means the rates and manner in 10:12:19
23 which consumers smoke cigarettes. But I guess we can 10:12:24
24 argue about that later. Again, you can finish out your 10:12:25
25 list, but her testimony here would be just for her own

1 personal -- from her personal knowledge in her role as 10:12:28
2 an individual. 10:12:33

3 MR. BLUMENTHAL: All right. I'll just agree to 10:12:35
4 disagree with you on that. That's fair. I understand 10:12:37
5 your position, that she's testifying as to these topics 10:12:39
6 as to her personal knowledge. We're taking the 10:12:42
7 position she's testifying to these topics as a PMK. 10:12:45

8 MR. THOMPSON: Okay. She's not. 10:12:49

9 MR. BLUMENTHAL: Okay. She obviously doesn't 10:12:51
10 know -- 10:12:55

11 MR. THOMPSON: I mean, it's my job to designate a 10:12:56
12 PMK, and she's not. 10:12:59

13 MR. BLUMENTHAL: Fair enough. And then let me go 10:13:00
14 through the questions, then. 10:13:03

15 MR. THOMPSON: I won't stop you from asking the 10:13:05
16 questions. 10:13:07

17 MR. BLUMENTHAL: I appreciate that. I'll go 10:13:13
18 through the rest of them. 10:13:13

19 Q. Is it true or false that RJR represented to 10:13:13
20 the public after the class period that cigarette 10:13:13
21 smoking does not cause heart disease? 10:13:15

22 MR. THOMPSON: Objection. Lacks foundation. 10:13:18

23 THE WITNESS: I don't know. 10:13:20

24 BY MR. BLUMENTHAL: 10:13:20

25 Q. Okay. Let me ask you this: Is it true or 10:13:21

1 false that cigarette smoking is addictive? 10:13:24

2 MR. THOMPSON: Objection. Lacks foundation. Again 10:13:27
3 not designated. 10:13:29

THE WITNESS: I don't know. 10:13:30

5 BY MR. BLUMENTHAL: 10:13:30

6 Q. Okay. Is it true or false that cigarette 10:13:31
7 smoking causes cancer? 10:13:33

8 MR. THOMPSON: Objection. Lacks foundation. 10:13:37

THE BUSINESS: I don't know.

0 BY MR. BLOOMFIELD: 10:13:39

Q. Is it true that cigarette smoking causes heart disease? 10:13:42

3 MR. THOMPSON: Objection. Lacks foundation. 10:13:43

THE WITNESS: I don't know. 10:13:45

5 BY MR. BIMENTHAL: 10:13:45

6 Q. Is it true or false that cigarette smoking 10:13:46
7 causes emphysema? 10:13:48

8 MR. THOMPSON: Objection. Lacks foundation. She's 10:13:50
9 not a scientist or a doctor. 10:13:51

THE WITNESS: I don't know. 10:13:54

BY MR. BLUMENTHAL:

Q. Who at -- as to these questions, if you had to tell me in your day to-day at work as the marketing 10:13:59

24 vice-president for Camel cigarettes, if you wanted to 10:14:08
25 know the answers to those questions, whom would you go 10:14:10

1 to at RJR? 10:14:12

2 MR. THOMPSON: Objection. Vague and ambiguous and 10:14:16

3 lacks foundation. 10:14:18

4 Go ahead and answer to the best of your ability. 10:14:21

5 THE WITNESS: In my role as a marketer, I wouldn't 10:14:24

6 be likely to seek out someone to have the answer to 10:14:27

7 these questions, and I don't know who that would be, if 10:14:31

8 I were. 10:14:34

9 BY MR. BLOOMFIELD: 10:14:34

10 Q. Okay. Maybe I can rephrase it better. Do you 10:14:35

11 know who at RJR would be the person most knowledgeable 10:14:38

12 with regard to those series of questions? 10:14:41

13 A. No. I don't. 10:14:44

14 Q. Okay. As a marketer, do you or do you not 10:14:44

15 think that it's important to know whether or not 10:14:51

16 cigarette smoking is addictive? 10:14:54

17 A. I think that, first of all, smokers have their 10:15:03

18 own impression of how they define the term "addictive." 10:15:09

19 I haven't spoken to them about it. I consider there to 10:15:13

20 be awareness of all the risks associated with smoking, 10:15:19

21 and that's not a topic that I discuss with smokers. 10:15:22

22 Q. Okay. So you do not discuss whether or not 10:15:28

23 cigarette smoking is addictive with smokers? 10:15:31

24 A. No. 10:15:33

25 Q. Okay. You do not discuss whether or not 10:15:34

1 cigarettes cause cancer with smokers? 10:15:37
2 A. No. 10:15:39
3 Q. You do not discuss whether or not cigarettes 10:15:39
4 cause heart disease with smokers? 10:15:42
5 A. No. 10:15:44
6 Q. And you do not discuss whether or not 10:15:44
7 cigarettes cause emphysema with smokers; correct? 10:15:46
8 A. No. 10:15:49
9 Q. [REDACTED] why don't you discuss those topics with 10:15:49
10 smokers, as the marketing vice-president of Camel 10:15:52
11 cigarettes? 10:15:55
12 A. My job is to market Camel cigarettes, to 10:16:00
13 certain [REDACTED] smokers who currently choose Camel as 10:16:06
14 their brand and to switch those adult smokers of 10:16:11
15 competitive brands to Camel. 10:16:15
16 Q. As the marketer of Camel cigarettes, isn't it 10:16:19
17 important to you to know all the properties of the 10:16:22
18 product [REDACTED] you're marketing? 10:16:24
19 A. What properties are you speaking of? 10:16:29
20 Q. That Camel cigarettes are addictive. 10:16:31
21 MR. THOMPSON: Objection. Assumes facts not in 10:16:35
22 evidence, lacks foundation. 10:16:36
23 THE WITNESS: I don't consider that to be part of 10:16:40
24 my job. 10:16:42
25 BY MR. BLUMENTHAL: 10:16:42

1 Q. Okay. As the person most knowledgeable of 10:16:43
2 Camel advertising, don't you want to know what has been 10:16:54
3 represented by RJR about Camel cigarettes? 10:16:58

4 MR. THOMPSON: Objection. Argumentative. 10:17:05

5 THE WITNESS: What I want to know -- I'm sorry. By 10:17:07
6 whom? 10:17:10

7 BY MR. BLUMENTHAL: 10:17:10

8 Q. By RJR. 10:17:10

9 A. To whom? 10:17:12

10 Q. To the public. 10:17:13

11 A. My customer is adult smokers of Camel 10:17:16
12 cigarettes and adult smokers of other brands. I speak 10:17:18
13 to them about Camel and their perceptions of that 10:17:22
14 brand. 10:17:25

15 Q. And as the marketing vice-president, don't you 10:17:25
16 want to know what members of RJR are talking to those 10:17:29
17 adult smokers or telling those adult smokers about 10:17:35
18 Camel cigarettes? 10:17:38

19 A. What the advertising that we have for Camel 10:17:47
20 cigarette says to those smokers? 10:17:50

21 Q. Let me try it another way. 10:17:52

22 A. Uh-huh. 10:17:53

23 Q. Do you want to know if RJR is telling the 10:17:54
24 public -- you can limit it to adult smokers, if you 10:17:57
25 want -- that Camel cigarettes and cigarette smoking is 10:18:01

1 not addictive? Do you want to know that? 10:18:05
2 MR. THOMPSON: Objection. Assumes facts not in 10:18:08
3 evidence, lacks foundation, argumentative. 10:18:11
4 THE WITNESS: This is not a topic that is a part of 10:18:13
5 my job as marketing Camel cigarettes. 10:18:15
6 BY MR. BLUMENTHAL:
7 Q. Okay. Do you know, as you sit here today, 10:18:21
8 whether or not RJR has represented at any time to adult 10:18:25
9 smokers, as you talk about as your market, that 10:18:30
10 cigarette smoking is not addictive? 10:18:35
11 MR. EATON: Asked and answered. 10:18:38
12 THE WITNESS: I don't know. 10:18:42
13 BY MR. BLUMENTHAL: 10:18:42
14 Q. Do you know that RJR at any time has 10:18:43
15 represented to the public that cigarette smoking has 10:18:45
16 not been proven to cause cancer? 10:18:48
17 MR. THOMPSON: Excuse me. Could you repeat the 10:18:52
18 question? 10:18:53
19 MR. BLUMENTHAL: Sure. 10:18:54
20 Q. Do you know at any time if RJR, as part of 10:18:56
21 your job as the marketing person, has represented to 10:19:04
22 the public that cigarette smoking has not been proven 10:19:04
23 to cause cancer? 10:19:05
24 MR. THOMPSON: Objection. Vague and ambiguous, 10:19:07
25 lacks foundation. 10:19:09

1 THE WITNESS: I don't know. 10:19:09

2 BY MR. BLUMENTHAL: 10:19:10

3 Q. Okay. Do you know if RJR at any time has 10:19:10
4 represented to adult smokers that cigarette smoking has 10:19:13
5 not been proven to cause heart disease? 10:19:16

6 MR. THOMPSON: The objections I made originally 10:19:19
7 when the question was asked, plus it's been asked and 10:19:20
8 answered. 10:19:24

9 MR. BLUMENTHAL: And I thought maybe there was some 10:19:24
10 misunderstanding, Todd, because she was talking -- she 10:19:25
11 differentiates between the public and adult smokers, so 10:19:28
12 I was trying to clarify that point. 10:19:32

13 MR. THOMPSON: Go ahead and answer. 10:19:36

14 THE WITNESS: I don't know. 10:19:38

15 BY MR. BLUMENTHAL: 10:19:38

16 Q. And with regard to emphysema, do you know if 10:19:38
17 RJR at any time has represented to adult smokers that 10:19:41
18 it's not been proven that cigarette smoking causes 10:19:45
19 emphysema? 10:19:48

20 MR. THOMPSON: Same objections. 10:19:49

21 THE WITNESS: I don't know. 10:19:50

22 BY MR. BLUMENTHAL: 10:19:51

23 Q. Is it true or false that RJR's ad campaigns 10:19:56
24 for Camel cigarettes during the class period were 10:20:00
25 entitled "Joe Camel," "What are you looking for," 10:20:03

1 "Mighty Tasty" and "Pleasure to burn"? 10:20:09

2 A. Those references would be appropriate for the 10:20:18

3 campaign during that period. 10:20:21

4 Q. Is it true or false that RJR represented to 10:20:22

5 the public that children do not pay attention to 10:20:24

6 cigarette advertisements? 10:20:26

7 MR. THOMPSON: Objection. Lacks foundation. 10:20:31

8 THE WITNESS: I don't know. 10:20:32

9 BY MR. BERNSTEIN:

10 Q. As the -- do you have an understanding, as the 10:20:35

11 marketing vice-president of Camel cigarettes, whether 10:20:40

12 do not children pay attention to cigarette 10:20:43

13 advertisements? 10:20:46

14 A. No, I don't. 10:20:48

15 Q. Okay. You don't know one way or the other? 10:20:49

16 A. No, I don't. 10:20:51

17 Q. Never studied it? 10:20:52

18 A. Have not. 10:20:54

19 Q. Never have seen any studies on it? 10:20:55

20 A. I have not. 10:20:58

21 Q. Ever asked for any studies about whether or 10:21:02

22 not children pay attention to cigarette advertisements? 10:21:06

23 A. No, I haven't. 10:21:08

24 Q. Do you think it's important to know whether or 10:21:13

25 not these ad campaigns that we talked about, the four 10:21:16

1 we talked about, are paid attention to by children? 10:21:20
2 MR. THOMPSON: Objection. Vague and ambiguous, 10:21:24
3 lacks foundation. 10:21:25
4 THE WITNESS: My job is to switch adult smokers to 10:21:29
5 Camel. I don't want to see children smoke, period. 10:21:32
6 BY MR. BLUMENTHAL: 10:21:41
7 Q. Okay. Given that, given that representation, 10:21:43
8 don't you think it's important to find out whether or 10:21:48
9 not the ad campaigns we just talked about are paid 10:21:50
10 attention to by children? 10:21:55
11 MR. THOMPSON: Objection. Vague and ambiguous. 10:21:57
12 THE WITNESS: We go through a number of steps to 10:22:01
13 ensure that our advertising is directed to adults. 10:22:03
14 BY MR. BLUMENTHAL: 10:22:09
15 Q. Okay. And is one of those steps to determine 10:22:09
16 whether or not children pay attention to cigarette 10:22:13
17 advertisements? 10:22:16
18 A. How would you define the way we would 10:22:17
19 determine that? 10:22:20
20 Q. A study of children, to see if they pay 10:22:22
21 attention to the cigarette ads. 10:22:25
22 A. No. 10:22:27
23 Q. Never been involved in that? 10:22:27
24 A. No. 10:22:28
25 Q. Have you ever been involved in determining the 10:22:32

1 reach of these cigarette ad campaigns to children? 10:22:37
2 MR. THOMPSON: Objection. Assumes facts not in 10:22:43
3 evidence, vague and ambiguous. 10:22:45
4 MR. BLUMENTHAL: Let me -- let me withdraw that and 10:22:47
5 let me ask a preliminary foundational question. 10:22:50
6 Q. Do you understand what "advertising reach" is, 10:22:53
7 Ms. Creighton? 10:22:56
8 A. Yes. 10:22:57
9 Q. Okay. Why don't you tell us what your 10:22:58
10 understanding is. 10:23:00
11 A. I would consider "reach," in our category, 10:23:01
12 just like I would in any other product category, to be 10:23:04
13 the extent to which your message or your promotion, 10:23:08
14 idea is seen or known to a target audience. 10:23:15
15 Q. Okay. To your knowledge, has RJR ever studied 10:23:26
16 whether or not the message for the four ad campaigns we 10:23:31
17 talked about were seen or known to children? 10:23:35
18 A. No. 10:23:38
19 Q. To your knowledge, has RJR studied any ad 10:23:40
20 campaign that RJR has run with regard to cigarettes as 10:23:45
21 to whether or not the message was seen or known to 10:23:50
22 children? 10:23:53
23 A. No. 10:23:53
24 Q. Is it true or false that RJR has represented 10:23:57
25 to the public that getting smokers to switch is 10:23:59

1 virtually the only way a cigarette brand can 10:24:03
2 meaningfully increase its business and that is the 10:24:06
3 reason why RJR does not advertise to young people? 10:24:09

4 MR. THOMPSON: Objection. Compound, I think. 10:24:14

5 But -- 10:24:17

6 THE WITNESS: Can you repeat the question? I heard 10:24:19
7 two things. 10:24:20

8 BY MR. BLUMENTHAL: 10:24:21

9 Q. Okay. Let me try to break it down. 10:24:21

10 A. Uh-huh. 10:24:23

11 Q. Is it true or false that RJR has represented 10:24:24
12 to the public that getting smokers to switch is 10:24:26
13 virtually the only way a cigarette brand can 10:24:28
14 meaningfully increase its business? 10:24:30

15 A. I'm not sure if it's represented to the public 10:24:36
16 that switching adult smokers to our brands can grow our 10:24:40
17 business, but that is one of our goals in growing our 10:24:44
18 market share in our company. 10:24:48

19 Q. Okay. My question is, is it true or false 10:24:50
20 that RJR has represented to the public that switching 10:24:54
21 is virtually the only way a cigarette brand can 10:24:57
22 meaningfully increase its business? 10:25:00

23 A. I'm not aware of that. 10:25:02

24 Q. Okay. Do you agree with that as being true or 10:25:04
25 false, that switching is virtually the only way a 10:25:10

Produced by RTRC

1 cigarette brand can increase its business? 10:25:12
2 MR. THOMPSON: Objection. Vague and ambiguous. 10:25:15
3 THE WITNESS: I have two objectives in marketing 10:25:17
4 Camel cigarettes to adult smokers: The first is to 10:25:23
5 retain those smokers who claim Camel as their usual 10:25:23
6 brand. It's important to do that in order to grow your 10:25:27
7 market share, in addition to switching adult smokers of 10:25:29
8 competitive brands to Camel. 10:25:36
9 BY MR. BLUMENTHAL: 10:25:40
10 Q. And what about getting new smokers? 10:25:40
11 MR. THOMPSON: Well, objection. Vague and 10:25:44
12 ambiguous. 10:25:46
13 THE WITNESS: What do you mean by "new smokers"? 10:25:47
14 BY MR. BLUMENTHAL: 10:25:50
15 Q. Someone who hasn't smoked before, smoked your 10:25:50
16 brand. 10:25:54
17 A. That's not a part of my job. 10:25:55
18 Q. So is it true or false that switching is 10:25:56
19 virtually the only way a cigarette brand can 10:25:58
20 meaningfully increase its business? 10:26:02
21 MR. THOMPSON: Objection. Asked and answered. 10:26:06
22 THE WITNESS: Switching and retention of current 10:26:08
23 adult smokers to my brand. 10:26:11
24 BY MR. BLUMENTHAL: 10:26:13
25 Q. Okay. Let me ask it my way. I think we're 10:26:13

1 almost there. Is it true or false that switching 10:26:16
2 smokers to your brand and retaining smokers to your 10:26:23
3 brand are virtually the only ways a cigarette brand can 10:26:28
4 meaningfully increase its business? 10:26:31

5 A. Those are my primary objectives, yes. 10:26:36

6 Q. Is it true or false that RJR has represented 10:26:47
7 to the public that RJR Camel ad campaigns do not target 10:26:50
8 children to smoke? 10:26:55

9 A. I'm not aware of representation to the public 10:27:05
10 about our ads. 10:27:11

11 Q. Who would be the person most knowledgeable 10:27:12
12 with regard to public representations as to the purpose 10:27:15
13 of your Camel ads? 10:27:19

14 MR. THOMPSON: Objection. Assumes facts not in 10:27:22
15 evidence that there were such representations. 10:27:26

16 THE WITNESS: I don't know. 10:27:29

17 BY MR. BLUMENTHAL: 10:27:30

18 Q. Okay. Is it true or false that RJR's Camel ad 10:27:30
19 campaigns target children to smoke? 10:27:34

20 A. False. 10:27:37

21 Q. Okay. Is it true or false that RJR has 10:27:37
22 represented to the public that the placement of the 10:27:40
23 Camel ad campaigns in various medium does not target 10:27:43
24 children to smoke? 10:27:46

25 A. Can you repeat that question, please? 10:27:51

1 Q. Sure. Is it true or false that RJR has 10:27:53
2 represented to the public that the placement of the 10:27:55
3 Camel ad campaigns in various medium does not target 10:27:57
4 children to smoke? 10:28:01

5 A. Again, I'm not sure about representation to 10:28:06
6 the public. Our policy is to place our advertising in 10:28:10
7 adult-targeted medium. 10:28:16

8 Q. Then let me ask it this way: Is it true or 10:28:19
9 false that the placement of the Camel ad campaigns in 10:28:22
10 various medium targets children to smoke? 10:28:24

11 A. False. 10:28:27

12 Q. Okay. Is it true or false that RJR has 10:28:27
13 represented to the public that RJR does not reach 10:28:32
14 children with the placement of the Camel ad campaigns? 10:28:35

15 A. I don't know. 10:28:40

16 Q. Okay. Is it true or false that RJR reaches 10:28:41
17 children with the placement of Camel ad campaigns? 10:28:45

18 A. I don't know. 10:28:48

19 Q. Is it true or false that RJR has represented 10:28:52
20 to the public that for most confirmed smokers over 18 10:28:54
21 years of age, the cigarette-purchase decision process 10:28:59
22 as to brand selection is nonexistent or, at best, 10:29:03
23 superficial? 10:29:07

24 MR. THOMPSON: Objection. Vague and ambiguous. 10:29:09

25 THE WITNESS: Please repeat the question. 10:29:10

1 BY MR. BLUMENTHAL:

2 Q. Okay. I'll try to help you on it, too. It's 10:29:12
3 got legalese in it. Let me repeat it for you first. 10:29:16
4 Is it true or false that RJR has represented to the 10:29:21
5 public that for most confirmed smokers over 18 years of 10:29:23
6 age, the cigarette-purchase decision process as to 10:29:26
7 brand selection is nonexistent or, at best, 10:29:30
8 superficial? 10:29:35

9 MR. THOMPSON: Same objection. 10:29:37

10 THE WITNESS: I don't understand the question. 10:29:39

11 BY MR. BLUMENTHAL: 10:29:40

12 Q. Okay. I'll try it this way first, and then 10:29:40
13 maybe I can clear it up. Is it true or false that for 10:29:43
14 most confirmed smokers over 18 years of age, that the 10:29:45
15 cigarette-purchase decision process as to brand 10:29:49
16 selection is nonexistent or, at best, superficial? 10:29:52

17 MR. THOMPSON: Objection. Vague and ambiguous. 10:30:00

18 THE WITNESS: What do you mean by the 10:30:00
19 cigarette-purchase process is nonexistent? 10:30:02

20 BY MR. BLUMENTHAL: 10:30:05

21 Q. Okay. I guess you don't understand the 10:30:06
question. 10:30:08

22 A. No, I still don't understand. 10:30:09

23 Q. Let me try to see if I can help you. Do you 10:30:10
24 smoke cigarettes, Ms. Creighton? 10:30:13

1	A. No.	10:30:15
2	Q. Okay. Have you ever smoked cigarettes in the past?	10:30:16 10:30:17
3	A. Yes, I have.	10:30:18
4	Q. And how long had you smoked cigarettes, did you smoke cigarettes?	10:30:18 10:30:20
5	A. Approximately 20 years.	10:30:21
6	Q. Okay. And when did you start smoking?	10:30:22
7	A. When I was 20 years old.	10:30:26
8	Q. Okay. And did you smoke one or more brands during your smoking habit?	10:30:27 10:30:33
9	A. More than one brand.	10:30:35
10	Q. Okay. How many brands did you smoke?	10:30:36
11	A. Three or four.	10:30:40
12	Q. Okay. What was your first usual brand?	10:30:42
13	A. Tarryton cigarettes.	10:30:46
14	MR. THOMPSON: I'll object as vague and ambiguous.	10:30:48
15	Go ahead. I didn't get it in on time.	10:30:50
16	MR. BLUMENTHAL: That's all right. It's duly noted.	10:30:53 10:30:55
17	Q. How long did you smoke Tarryton for?	10:30:56
18	A. Approximately a year.	10:31:01
19	Q. After that, what did you smoke?	10:31:02
20	A. Benson & Hedges.	10:31:04
21	Q. And how long did you smoke Benson & Hedges?	10:31:11

1 A. Approximately two years. 10:31:12
2 Q. And then for the remainder of your smoking 10:31:13
3 career, what brand did you smoke? 10:31:15
4 A. Mostly Salem cigarettes. 10:31:17
5 Q. Salem, okay. Did you buy Salem by the pack or 10:31:20
6 by the carton, or both? 10:31:26
7 A. Usually by the pack. 10:31:28
8 Q. And in going into the store, did you go into 10:31:29
9 the store and look on the shelf, "Today, maybe I'll 10:31:32
10 have Salem, or I'll have Winston, or I'll have Camel, 10:31:37
11 or I'll have Tarryton"? Did you have a conscious 10:31:40
12 decisions when you went to the store, as you were 10:31:45
13 picking, like "Today I'll have white bread or wheat or 10:31:48
14 I'll have a Coke or a Pepsi or a Sprite or an ice tea"? 10:31:51
15 That's -- when I'm trying to get the point across, is 10:31:55
16 in making the decision -- like when you shop, you shop 10:32:00
17 for that business suit that you have in purple. You 10:32:03
18 may have looked at a black one and a green one and some 10:32:06
19 other ones, and you picked the purple one because you 10:32:09
20 went in to shop, versus going in for a pack of 10:32:11
21 cigarettes; there's no thought process going into it. 10:32:14
22 You go in. A person goes in to buy a pack of 10:32:18
23 cigarettes. And my point was that the decision process 10:32:21
24 of the brand selection is nonexistent or, at best, 10:32:26
25 superficial. That was a long-winded way of trying to 10:32:31

1 explain to you what I meant. I apologize for that. 10:32:34
2 So do you understand what I was trying to get at? 10:32:37
3 A. I believe so. 10:32:39
4 Q. Okay. 10:32:40
5 MR. THOMPSON: I'm going -- go ahead. I'll move to 10:32:43
6 strike the speech, to the extent it was testimony. 10:32:45
7 MR. BLUMENTHAL: Okay. 10:32:50
8 Q. As between going to shop for clothes, where 10:32:50
9 you go -- I know from my wife, women go through a great 10:32:56
10 deal of shopping process for clothes -- versus going in 10:33:01
11 to buy [REDACTED]
12 MR. EATON: That was really a sexist remark. 10:33:04
13 MR. THOMPSON: You're digging a hole here. 10:33:08
14 MR. BLUMENTHAL: I'm not a shopper, so anyway. 10:33:10
15 Q. [REDACTED] versus going in for cigarettes. My 10:33:12
16 question is, as the consumer-smoking person at RJR for, 10:33:14
17 as you said, adult smokers, in your understanding, is 10:33:22
18 it true or false that for most confirmed smokers over 10:33:28
19 18 years of age, the cigarette-purchase decision 10:33:31
20 process as to brand selection is nonexistent or, at 10:33:34
21 best, superficial? 10:33:38
22 MR. THOMPSON: Well, objection. Vague and 10:33:40
23 ambiguous, compound. 10:33:42
24 THE WITNESS: False. 10:33:46
25 MR. EATON: I didn't get the answer. I'm sorry. 10:33:46

1 MR. THOMPSON: "False." 10:33:49
2 BY MR. BLUMENTHAL: 10:33:50
3 Q. Is it true or false that RJR placed the Camel 10:33:50
4 ad campaigns during the class period in various medium 10:33:54
5 like Sports Illustrated, Mademoiselle, Road and Track 10:33:57
6 and motorcycle magazines like Cycle World? 10:34:03
7 MR. THOMPSON: Objection. Compound. 10:34:08
8 MR. BLUMENTHAL: Do you want me to break it down? 10:34:10
9 MR. THOMPSON: I would prefer. 10:34:12
10 MR. BLUMENTHAL: Sure. 10:34:14
11 Q. Is it true or false that RJR placed the Camel 10:34:14
12 ad campaigns; -- let me clarify the four campaigns. You 10:34:16
13 *KNOW where I say "Camel ad campaigns," I mean the four 10:34:20
14 we talked about during the class period; correct? 10:34:24
15 A. Yes. 10:34:28
16 Q. So when I use those words "Camel ad 10:34:28
17 campaigns" those mean the four during the class 10:34:31
18 period. All right? 10:34:33
19 A. Yes. 10:34:34
20 Q. Okay. Is it true or false that RJR placed the 10:34:34
21 Camel ad campaigns during the class period in Sports 10:34:37
22 Illustrated? 10:34:41
23 MR. THOMPSON: Again, it's compound. 10:34:42
24 MR. BLUMENTHAL: Okay. You want me to break it 10:34:44
25 down for each campaign? 10:34:47

1 MR. THOMPSON: It's the only way to know which did 10:34:50
2 and which didn't. 10:34:52

3 MR. BLUMENTHAL: Sure. Fair enough. 10:34:54

4 MR. THOMPSON: I mean, you can ask the preliminary 10:34:57
5 question whether all four of them were there, and then 10:34:58
6 if -- 10:35:01

7 MR. BLUMENTHAL: Okay. However you'd like to do 10:35:02
8 it. I can do it one at a time. 10:35:03

9 Q. Is it true or false that RJR placed the Joe 10:35:05
10 Camel ad campaign in Sports Illustrated? 10:35:08

11 A. True. 10:35:16

12 Q. Is it true or false that RJR placed the "What 10:35:17
13 ever you looking for" campaign in Sports Illustrated? 10:35:22

14 A. I'm not sure I recall. 10:35:28

15 Q. Okay. Is it true or false that RJR placed the 10:35:29
16 "Mighty Tasty" ad campaign in Sports Illustrated? 10:35:34

17 A. True. 10:35:39

18 Q. Is it true or false that RJR placed the 10:35:40
19 "Pleasure to Burn" ad campaign in Sports Illustrated? 10:35:43

20 A. True. 10:35:47

21 Q. Okay. Is it true or false that RJR placed the 10:35:47
22 Joe Camel ad campaign in Mademoiselle? 10:35:51

23 A. I'm not sure. 10:35:55

24 Q. Is it true or false that RJR placed the "What 10:36:01
25 ever you looking for" ad campaign in Mademoiselle? 10:36:01

1 A. I'm not sure. 10:36:02
2 Q. Is it true or false that RJR placed the 10:36:03
3 "Mighty Tasty" ad campaign in Mademoiselle? 10:36:05
4 A. I'm not sure. 10:36:09
5 Q. Is it true or false that RJR placed the "What 10:36:10
6 are you looking for" ad campaign in -- 10:36:12
7 MR. THOMPSON: Mademoiselle. 10:36:17
8 MR. BLUMENTHAL: I'm sorry. 10:36:19
9 Q. [REDACTED] "Pleasure to Burn" ad campaign -- let me reask 10:36:20
10 that. Is it true or false that RJR placed the 10:36:22
11 "Pleasure to Burn" ad campaign in Mademoiselle? 10:36:25
12 A. I'm not sure. 10:36:28
13 Q. Is it true or false that RJR placed the Joe 10:36:30
14 Camel ad campaign in Road and Track magazine? 10:36:35
15 MR. THOMPSON: While there's a pause here, I'll let 10:36:46
16 this go on, because I know it's going to be of limited 10:36:47
17 duration, but we didn't designate her as the person 10:36:49
18 responsible for knowing where the individual ads were 10:36:52
19 placed. 10:36:55
20 MR. BLUMENTHAL: Oh, all right. I won't belabor 10:36:56
21 you on that one. I apologize. I thought -- I'll just 10:36:58
22 continue. 10:37:02
23 Q. So you don't know for sure which magazines it 10:37:02
24 was in or out? 10:37:05
25 A. If the magazines were selected and met with 10:37:06

1 our policies and placement and we approved them, they 10:37:10
2 ran in those ads, those magazines. 10:37:13

3 Q. So I take it there's somebody else at RJR 10:37:15
4 that's more knowledgeable than you as to what magazines 10:37:18
5 these ad campaigns were run in; correct? 10:37:21

6 A. Actually were run at that time, yes. 10:37:24

7 Q. And who would that person be? 10:37:25

8 A. Patty Itterman. 10:37:27

9 Q. Is it true or false that during the class 10:37:31
10 period, RJR placed these ad campaigns at sports racing 10:37:33
11 events, like motorcycle events? 10:37:39

12 MR. BLOOMFIELD: You want me to break it down 10:37:44

13 events? 10:37:45

14 MR. THOMPSON: No. But just object. Vague and 10:37:47
15 ambiguous as to what "placing" means. 10:37:48

16 THE WITNESS: What do you mean by placing at an 10:37:52
17 event? 10:37:52

18 BY MR. BLOOMFIELD: 10:37:52

19 Q. At the event there would be a billboard or a 10:37:53
20 sign with either Joe Camel or "Mighty Tasty," "Pleasure 10:37:55
21 to Burn," those figures. 10:38:01

22 A. I'm not sure. 10:38:11

23 Q. Would Ms. Itterman be the one who would 10:38:13
24 know those -- 10:38:16

25 A. Yes. 10:38:17

1 Q. Is it true or false that during the class 10:38:17
2 period, RJR placed these four Camel ad campaigns on 10:38:19
3 billboards? 10:38:23

4 MR. THOMPSON: Again, it's compound. That probably 10:38:28
5 should be broken down. 10:38:30

6 BY MR. BLUMENTHAL: 10:38:32

7 Q. That would be -- Ms. Itterman would know best? 10:38:32

8 A. Because the responsibility I have is to 10:38:34
9 develop ~~executive~~, I would be aware of which campaigns 10:38:37
10 had billboard advertising. 10:38:41

11 MR. THOMPSON: She can answer about that one. 10:38:43

12 THE WITNESS: Yes, I can. 10:38:45

13 MR. THOMPSON: Some may have. Some may not have. 10:38:46
14 So it's compound. 10:38:48

15 MR. BLUMENTHAL: Fair enough. 10:38:50

16 Q. Okay. Did the Joe Camel ad campaign have 10:38:50
17 billboard advertising? 10:38:59

18 A. Yes. 10:39:00

19 Q. Did the did the "What are you look for" ad 10:39:00
20 campaign have billboard advertising? 10:39:07

21 A. Yes. 10:39:11

22 Q. Did the "Mighty Tasty" ad campaign have 10:39:11
23 billboard advertising? 10:39:15

24 A. Yes. 10:39:16

25 Q. Did the "Pleasure to Burn" campaign 10:39:16

1 advertisement have billboard advertising? 10:39:19
2 A. No. 10:39:21
3 Q. Was the billboard advertisement that was 10:39:36
4 placed -- was that at a national level, or was it 10:39:39
5 placed on a local level? Do you know how it was 10:39:42
6 placed? 10:39:45
7 MR. THOMPSON: Objection. Vague and ambiguous. 10:39:46
8 THE WITNESS: It varied. 10:39:47
9 BY MR. BLUMENTHAL: 10:39:48
10 Q. Okay. Was Joe Camel placed at a national 10:39:48
11 level? 10:39:53
12 MR. THOMPSON: Objection. Vague and ambiguous. 10:39:54
13 THE WITNESS: How would you define "national" for 10:39:56
14 billboard placement? 10:39:57
15 BY MR. BLUMENTHAL: 10:39:59
16 Q. Okay. My definition would be you contact the 10:39:59
17 ad agency and tell them to place the ad campaign across 10:40:02
18 the country. 10:40:06
19 A. It's more complex than that, but broadly, yes, 10:40:11
20 it was national. 10:40:15
21 Q. Okay. Was the placement of the What are you 10:40:16
22 looking for ad campaign -- was that done at a national 10:40:24
23 level? 10:40:27
24 MR. THOMPSON: Objection. Vague and ambiguous. 10:40:28
25 THE WITNESS: I'm not sure. 10:40:36

1 BY MR. BLUMENTHAL:

2 Q. And was the Mighty Tasty ad campaign done at a 10:40:39
3 national level? 10:40:43

4 MR. THOMPSON: Objection. Vague and ambiguous. 10:40:44

5 MR. BLUMENTHAL: The billboard ads. 10:40:45

6 THE WITNESS: Yes, I think so. 10:40:47

7 BY MR. BLUMENTHAL: 10:40:48

8 Q. Okay. And you weren't sure about what are you 10:40:48
9 looking for and if it wasn't done at a national level, 10:40:51
10 how would it have been done as to billboard placement? 10:40:54

11 A. I don't recall the spending behind that 10:41:02
12 billboard effort and whether it would have been a 10:41:03
13 national-level spending or less. 10:41:06

14 Q. Is it true or false that during the class 10:41:11
15 period, RJR placed these four Camel ad campaigns at 10:41:13
16 event sites like rock and roll concerts? 10:41:18

17 A. I don't know. 10:41:23

18 Q. Is there someone that handles event-sites 10:41:25
19 advertising, a person most knowledgeable than you? 10:41:33

20 A. That would be Patty Itterman. 10:41:36

21 Q. Is it true or false that during the class 10:41:43
22 period, RJR placed these four Camel ad campaigns in 10:41:45
23 convenience stores? 10:41:50

24 MR. THOMPSON: Objection. Compound. 10:41:53

25 MR. BLUMENTHAL: Okay. You want me to break it 10:41:56

1 down? 10:41:58
2 THE WITNESS: I'm afraid so. 10:41:58
3 BY MR. BLUMENTHAL:
4 Q. Is it true or false that during the class 10:42:01
5 period, RJR placed the Joe Camel ad campaigns at 10:42:02
6 convenience stores? 10:42:06
7 A. There were Joe Camel images on point of sale 10:42:08
8 during that period. 10:42:12
9 Q. [REDACTED] Is it true or false that during the 10:42:18
10 class period, RJR placed "What are you looking for" 10:42:20
11 images at convenience stores? 10:42:25
12 A. [REDACTED] I don't think the creative was "What are you 10:42:43
13 looking for" in retail stores. 10:42:46
14 Q. Is it true or false that during the class 10:42:47
15 period, RJR placed the "Mighty Tasty" images at 10:42:51
16 convenience stores? 10:42:56
17 A. The language of the slogan "Mighty Tasty" was 10:42:59
18 in convenience stores at that time. 10:43:04
19 Q. Okay. Is it true or false, during the class 10:43:06
20 period, that RJR placed the "Pleasure to Burn" images 10:43:12
21 at convenience stores? 10:43:16
22 A. Yes. 10:43:19
23 Q. Is it true or false, during the class period, 10:43:20
24 that RJR placed the Joe Camel image as a counter 10:43:22
25 display? 10:43:30

Produced by RJR

1 A. The signage in the top portion of the counter 10:43:34
2 display may have included Joe Camel. 10:43:40
3 Q. Okay. Is it true or false that during the 10:43:42
4 class period, RJR placed the "Mighty Tasty" words, as 10:43:45
5 you described it, in the counter display at convenience 10:43:51
6 stores? 10:43:57
7 A. Yes. 10:44:02
8 Q. Is it true or false, during the class period, 10:44:02
9 that "Pleasure to Burn" images were at counter displays 10:44:06
10 at convenience stores? 10:44:10
11 A. "Pleasure to Burn" was used in promotions that 10:44:13
12 would have displays. Whether they were on the counter, 10:44:19
13 I don't know. 10:44:24
14 Q. Okay. They would have appeared somewhere at 10:44:24
15 convenience stores, to your knowledge? 10:44:27
16 A. Yet. 10:44:29
17 Q. Okay. Is it true or false that, during the 10:44:29
18 class period, RJR had a coupon campaign for Camels? 10:44:32
19 A. Coupon campaign? 10:44:38
20 Q. Yes. 10:44:40
21 A. What do you mean by "coupon campaign"? 10:44:40
22 Q. Camel cash, where you could turn in Camel cash 10:44:44
23 for merchandise. 10:44:48
24 A. Yes. 10:44:50
25 Q. Okay. So is it true or false that, during the 10:44:50

1 class period, RJR had a Camel coupon campaign for 10:44:54
2 Camels? 10:44:58

3 A. Camel had Camel cash during the period of this 10:44:59
4 class action. 10:45:03

5 Q. Okay. Is it true or false that, during the 10:45:03
6 class period, RJR had a special merchandising division 10:45:08
7 for Camels? 10:45:12

8 MR. THOMPSON: Objection. Vague and ambiguous. 10:45:14

9 THE WITNESS: What do you mean by "special 10:45:15
10 merchandising division"? 10:45:17

11 BY MR. BLUMENTHAL: 10:45:19

12 Q. A division where they were merchandising 10:45:19
13 Camels, for example, buy two packs of Camels and get a 10:45:21
14 free T-shirt, you know, like that? 10:45:26

15 MR. THOMPSON: Well, I still object. Vague and 10:45:31
16 ambiguous. 10:45:33

17 THE WITNESS: There were many promotions on Camel 10:45:33
18 during that period. 10:45:35

19 BY MR. BLUMENTHAL: 10:45:40

20 Q. And would those promos be taken care of in the 10:45:41
21 merchandising division or some other division at RJR? 10:45:45

22 A. That would be in my marketing group. 10:45:49

23 Q. So you were in charge of the advertising and 10:45:51
24 the promotion? 10:45:53

25 A. That's correct. 10:45:55

1 Q. Okay. So for example, one of them was, as I 10:45:55
2 recall -- I think it was buy two packs of Camel and 10:45:59
3 receive a T-shirt. Do you recall that one? Is that a 10:46:04
4 correct one? 10:46:07

5 MR. THOMPSON: Objection. Vague and ambiguous. 10:46:09
6 You're asking her if such a promotion ever occurred? 10:46:10

7 MR. BLUMENTHAL: Yes. 10:46:12

8 MR. THOMPSON: Okay. 10:46:13

9 THE WITNESS: There could have been a promotion 10:46:14
10 where you bought Camels and received a free T-shirt, 10:46:16
11 yes. 10:46:19

12 BY MR. BLUMENTHAL: 10:46:20

13 Q. And those free T-shirts -- were they given 10:46:20
14 away at the store where they bought the cigarettes? Is 10:46:23
15 that how it worked? 10:46:25

16 A. The T-shirts were prepackaged with the 10:46:27
17 cigarettes, such that the cigarettes, when they were 10:46:29
18 purchased, included the T-shirt. 10:46:33

19 Q. Okay. And those T-shirts -- do you recall if 10:46:34
20 they had images of Camels on it? 10:46:37

21 A. There were different T-shirts that included 10:46:42
22 different images. 10:46:44

23 Q. Okay. Why don't you tell me the images on the 10:46:45
24 T-shirts that existed during the class period. 10:46:51

25 A. There were a number of different T-shirts. I 10:46:59

1 don't know if I can recall all the T-shirts. 10:47:02
2 Q. Just give me your best recollection, if you 10:47:04
3 could. 10:47:06
4 A. It's been a number of years since we have ran 10:47:12
5 T-shirts in retail outlets, so I'm afraid I'd be -- I 10:47:14
6 could potentially incorrectly describe the T-shirt. 10:47:24
7 Q. Do you have a recollection of any of those 10:47:27
8 T-shirts having a warning label on them? 10:47:29
9 A. We did not put warning labels on T-shirts. 10:47:32
10 Q. Do you have a recollection of any of the 10:47:35
11 T-shirts just having a picture of the Camel camel, the 10:47:37
12 best I could call it? 10:47:41
13 A. The trademark -- 10:47:42
14 Q. 10:47:43
15 A. Camel? If we refer to him as the 10:47:43
16 trademark? 10:47:45
17 Q. Yes. 10:47:46
18 A. 10:47:47
19 Q. Any of the T-shirts have images of Joe Camel 10:47:51
20 on them? 10:47:53
21 A. I believe, yes. 10:47:53
22 Q. Is it true or false that RJR has represented 10:48:02
23 to the public that they do not conduct consumer surveys 10:48:05
24 of children? 10:48:09
25 MR. THOMPSON: Objection. Lacks foundation. 10:48:12

1 THE WITNESS: True. 10:48:19

2 BY MR. BLUMENTHAL:

3 Q. Is it true or false that RJR conducts consumer surveys among children? 10:48:21
4 10:48:26

5 A. False.

6 Q. Is it true or false that RJR has represented 10:48:28
7 to the public that they've never studied children's 10:48:31
8 attitudes towards smoking? 10:48:34

9 MR. THOMPSON: Objection. Lacks foundation.

THE WITNESS: I don't know.

1 BY MR. FISCHER:

Q. Is it true or false that RJR has, in fact, never studied children's attitudes towards smoking?

A. I'm not sure.

5 Q. Is it true or false that RJR designs
6 cigarettes as a nicotine-delivery system?

7 MR. THOMPSON: Objection. Vague and ambiguous.

8 Also, we... -- it's outside of what she's been 10:48:58
9 brought here to talk about. 10:49:01

THE WITNESS: I don't know.

BY MR. BLUMENTHAL:

22 Q. I could ask it another way: Have you ever 10:49:06
23 talked to anybody at RJR about the fact that cigarettes 10:49:08
24 are a nicotine-delivery system? 10:49:12

A. No, I have not.

1 Q. No one at RJR has ever told you that RJR is in 10:49:16
2 the business of delivering nicotine through cigarettes? 10:49:20
3 A. No one has ever told me that. 10:49:24
4 Q. Okay. Is it true or false that RJR designs 10:49:26
5 image advertising to be attractive to children? 10:49:33
6 A. False. 10:49:36
7 Q. Okay. Is it true or false that RJR 10:49:37
8 understands that they must convince children to smoke 10:49:39
9 for rational reasons, such as to experiment, to defy or 10:49:42
0 to be daring. 10:49:46
11 A. False. 10:49:49
12 MR. THOMPSON: Objection. Vague and ambiguous, 10:49:49
13 compound. 10:49:51
14 BY MR. BLUMENTHAL: 10:49:51
15 Q. Is it true or false that RJR understands that 10:49:52
16 they must design cigarettes for beginning smokers to be 10:49:55
17 low in irritation? 10:49:59
18 MR. THOMPSON: Objection. Calls for speculation, 10:50:00
19 vague and ambiguous. 10:50:02
20 THE WITNESS: I don't know. 10:50:03
21 BY MR. BLUMENTHAL: 10:50:03
22 Q. Is it true or false that RJR has studied 10:50:05
23 presmokers? 10:50:08
24 A. I don't know. 10:50:11
25 MR. THOMPSON: Objection. Vague and ambiguous. 10:50:12

1 THE WITNESS: I don't know. 10:50:15
2 BY MR. BLUMENTHAL: 10:50:16
3 Q. Okay. Is it true or false that RJR's use of 10:50:16
4 the code words "younger adult smokers" is a code for 10:50:19
5 smokers 14 to 24? 10:50:24
6 MR. THOMPSON: Objection. Calls for speculation. 10:50:27
7 THE WITNESS: False. 10:50:32
8 BY MR. BLUMENTHAL: 10:50:32
9 Q. Is it true or false that RJR's use of the code 10:50:33
10 words "younger adult smokers" is a code word for 10:50:35
11 smokers 16 through 24? 10:50:40
12 MR. THOMPSON: Objection. Calls for speculation, 10:50:43
13 assumes facts not in evidence. 10:50:44
14 THE WITNESS: False. 10:50:45
15 BY MR. BLUMENTHAL: 10:50:46
16 Q. Is it true or false that one of the purposes 10:50:47
17 of the master settlement agreement was to lessen the 10:50:49
18 exposure [REDACTED] cigarette advertisements to children? 10:50:52
19 MR. THOMPSON: Objection. Calls for speculation. 10:50:56
20 THE WITNESS: True. 10:50:59
21 BY MR. BLUMENTHAL: 10:50:59
22 Q. Okay. Is it true or false that one of the 10:51:00
23 purposes of the master settlement agreement was to 10:51:02
24 eliminate cartoons from cigarette advertisements? 10:51:05
25 MR. THOMPSON: Objection. Calls for speculation. 10:51:08

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1 THE WITNESS: True. 10:51:12

2 BY MR. BLUMENTHAL: 10:51:12

3 Q. Is it true or false that one of the purposes 10:51:13

4 of eliminating cartoons from cigarette advertisements 10:51:15

5 was to lessen the appeal of cigarette advertisements to 10:51:18

6 children? 10:51:21

7 MR. THOMPSON: Objection. Calls for speculation. 10:51:22

8 THE WITNESS: That was the claim. 10:51:25

9 BY MR. BLUMENTHAL: 10:51:26

10 Q. So true? 10:51:27

11 A. True. 10:51:29

12 Q. Is it true or false that RJR sells Camel 10:51:29

13 Lights? 10:51:32

14 A. True. 10:51:33

15 Q. Is it true or false that the use of the words 10:51:34

16 "Lights" is a health representation? 10:51:38

17 A. I don't know. 10:51:41

18 Q. Okay. Have you ever discussed with anybody at 10:51:42

19 RJR, as the marketing vice-president of Camels, that 10:51:45

20 the use of the word "Lights" is a health 10:51:51

21 representation? 10:51:55

22 A. No, I haven't. 10:51:55

23 Q. Is it true or false that the use of the word 10:51:57

24 "Lights" is a safety representation? 10:51:59

25 A. I don't know. 10:52:01

1 Q. Is it true or false that light cigarettes, 10:52:06
2 that is, for example, Camel Lights, are healthier than 10:52:10
3 Camel regular cigarettes? 10:52:14

4 A. I don't know. 10:52:16

5 Q. Okay. Has anybody at RJR ever conducted a 10:52:16
6 study, to your knowledge, as to the health safety of 10:52:22
7 Camel Lights versus Camel regulars? 10:52:26

8 A. Not that I know of. 10:52:28

9 Q. [REDACTED] going to ask you a hypothetical now. It's 10:52:33
10 going to be long. I'm sure counsel is going to object. 10:52:35
11 It's a marketing hypothetical. 10:52:40

12 You have a friend, Ms. Creighton. Your friend is 10:52:47
13 [REDACTED] ages 25. He likes having relationships with young girls 10:52:53

14 ages 14 to 17. Okay? You know he finds these girls by 10:52:59
15 placing [REDACTED] in Sports Illustrated, hanging out at 10:53:05
16 convenience stores and going to NASCAR events and 10:53:09
17 motorcycle events. You confront him that you know he's 10:53:13

18 having [REDACTED] relationships with young girls ages 14 to 17, 10:53:19
19 and that, if he doesn't stop, you're going to have to 10:53:25
20 report him to the police as a child molester. He 10:53:29

21 agrees, and he tells you he's no longer going to have 10:53:35
22 relationships with children and that to prove this to 10:53:38

23 you, he's going to change his ways. But he still 10:53:42
24 intends to advertise in Sports Illustrated, hang out at 10:53:47
25 convenience stores and go to NASCAR and motorcycle 10:53:50

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1 events. 10:53:54
2 My question is, would you believe he really intends 10:53:55
3 to no longer molest children, or do you believe actions 10:53:59
4 speak louder than words? 10:54:05
5 MR. THOMPSON: Well, you're right, I'm going to 10:54:07
6 object. It's an incomplete hypothetical. It's vague 10:54:09
7 and ambiguous, and primarily, it's entirely 10:54:13
8 argumentative. Also, it's compound, and of course, 10:54:15
9 irrelevant and outside anything she's been asked to 10:54:25
10 testify about. 10:54:29
11 If you understand the question and have a response, 10:54:37
12 you can provide it, Ms. Creighton. 10:54:40
13 THE WITNESS: To the extent that I understand the 10:54:49
14 question, my answer is I don't know. 10:54:51
15 MR. THOMPSON: Could we take a break, Norm? 10:54:59
16 MR. BLUMENTHAL: Absolutely. On the record, any 10:55:01
17 time you want to take a break -- you've had your 10:55:02
18 deposition taken before -- I'm happy to accommodate. 10:55:05
19 THE WITNESS: Okay. 10:55:08
20 VIDEOGRAPHER: We're off the record. The time is 10:55:08
21 10:55 A.M. 10:55:10
22 (Discussion off the record.) 11:09:36
23 VIDEOGRAPHER: We are back on the record. The time 11:09:36
24 is 11:09 A.M. 11:09:37
25 BY MR. BLUMENTHAL:

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1 Q. Back on the record, Ms. Creighton. There are 11:09:44
2 some issues that came up in the first session this 11:09:44
3 morning about what you know in terms of cigarette 11:09:45
4 smoking as part of your job as the person most 11:09:51
5 knowledgeable in consumer smoking and tobacco products. 11:09:56
6 What I'm going to do for you now is I'm going to play a 11:09:59
7 tape for you. If you have -- you can stop it at any 11:10:02
8 time you want in terms of the facts that are going to 11:10:07
9 come up. But my question is to you, as you go through 11:10:09
10 it, any of these facts, I want to know if you knew that 11:10:13
11 as part of your job, being the person most 11:10:17
12 knowledgeable at RJR. All right? 11:10:21
13 MR. THOMPSON: Wait. I'm not sure I'm going to 11:10:26
14 consent to this. You're playing an audiotape for her? 11:10:27
15 MR. BLOOMFIELD: Yes. 11:10:30
16 MR. THOMPSON: And you're asking her to, at some 11:10:30
17 point, stop or -- 11:10:31
18 MR. BLOOMFIELD: No. We can play it through. It's 11:10:35
19 a foundational question. There are issues on 11:10:37
20 foundation as to what she knew about whether or not 11:10:39
21 cigarettes cause cancer, as to what she knew about 11:10:42
22 whether or not cigarettes cause emphysema or addiction. 11:10:44
23 My question is, as part of her job at RJR -- I'm going 11:10:48
24 to show a tape with foundational points on it -- if she 11:10:54
25 knows of this information. 11:10:58

1 MR. THOMPSON: No. I mean, I'll let you play the 11:10:59
2 tape, but I'm not sure I'll let her answer any 11:11:01
3 questions. Letting you play the tape does not -- 11:11:05
4 should in no way be taken that these are legitimate 11:11:06
5 questions or that she's agreed to do what you've asked. 11:11:11
6 I'll listen to the tape. I'll be open minded about 11:11:15
7 this, but it sounds to me like not proper procedure. 11:11:16
8 And so, you know, we'll listen to the tape. 11:11:19

9 MR. BLUMENTHAL: And your objection is duly noted. 11:11:25
10 This is the only way -- I tried to do it through the 11:11:27
11 questions and I wasn't successful. So I'm going to 11:11:29
12 try to lay the foundation through the tape, and I'll 11:11:32
13 ask you some questions on the tape when it's over. All 11:11:35
14 right. It's going to be on the screen behind you. 11:11:38

15 MR. EASTON: It's a video? 11:11:46

16 MR. BLUMENTHAL: Video. No, it's a video. 11:11:47

17 (Playing the video). 11:11:51

18 UNIDENTIFIED SPEAKER: Gentlemen, we welcome you to 11:12:16
19 our hearing today. Raise your right hand. Do you 11:12:18
20 swear that the testimony you are about -- 11:12:21

21 MR. THOMPSON: Stop the tape. I'm not going to 11:12:23
22 allow this to occur. This is completely improper. 11:12:24
23 None of this has anything to do with the reason she has 11:12:27
24 been brought here as a PMK. Her knowledge of health 11:12:30
25 sections was covered in the prior depositions. The 11:12:33

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1 understanding was an individual that would be post, the 11:12:36
2 prior depositions being taken in connection with the -- 11:12:38
3 no. I mean, you can play the tape if you want. We 11:12:41
4 will leave the room until it's done, and then we'll 11:12:44
5 come back, and we won't be answering any questions 11:12:45
6 about it. You can ask her questions from your own 11:12:47
7 mouth about anything that's reasonable within what 11:12:50
8 she's been brought here, but I'm not going to have you 11:12:59
9 play a videotape and somehow ask her questions later 11:12:59
10 about the videotape. I'm just not going to permit it. 11:13:01

11 MR. BLUMENTHAL: Todd, I tried to do it with the 11:13:05
12 questions. 11:13:07

13 MR. THOMPSON: You'll have to try harder, Norm, 11:13:09
14 because [REDACTED] is not accepted deposition procedure. 11:13:10
15 It's not what a deposition is about. 11:13:13

16 MR. BLUMENTHAL: Let me tell you what's on the 11:13:17
17 tape, and I'll try to explain it to you. This witness 11:13:19
18 is here [REDACTED] PMK. I don't know if she'll ever be a 11:13:23
19 fact. I question -- 11:13:26

20 With all due respect to you, Ms. Creighton, I 11:13:27
21 question your veracity. I'm doing this as 11:13:29
22 cross-examination, because on the tape -- and we're 11:13:33
23 going to play the tape -- you're going to see 11:13:35
24 Mr. Johnson state that cigarette smoking is not 11:13:37
25 addictive. He's going to state that it's not been 11:13:40

1 proven that cigarette smoking causes cancer. He's 11:13:43
2 going to state that Joe Camel is not attractive to 11:13:47
3 children. There are various other statements made on 11:13:52
4 the tape. 11:13:57

5 MR. THOMPSON: Uh-huh. 11:13:58

6 MR. BLUMENTHAL: In asking Ms. Creighton these 11:13:59
7 questions before, I don't believe I was receiving the 11:14:00
8 whole truth from her. And the purpose of playing the 11:14:02
9 tape is [REDACTED] this is her boss at the time that she was 11:14:04
0 with the company, making statements about the addictive 11:14:08
11 nature of cigarettes, which are simply not true, about 11:14:12
12 the links between cigarettes and cancer, which are 11:14:17
13 simply not true. I'm playing the tape because, for 11:14:19
14 cross-examination purposes, I don't believe, with all 11:14:25
15 due respect, that you're being perfectly candid with me 11:14:28
16 with respect to your knowledge. That's the purpose of 11:14:32
17 playing it. 11:14:34

18 MR. THOMPSON: But the tape is inevitably going to 11:14:35
19 involve all sorts of compound issues. If Mr. Johnson 11:14:37
20 said that at some time, you're welcome to ask her 11:14:41
21 whether she's aware that he said that.

22 MR. BLUMENTHAL: I've already asked those 11:14:46
23 questions. 11:14:47

24 MR. THOMPSON: She gave you an answer. I mean, 11:14:49
25 understand -- you attacked her credibility, but you did 11:14:51

1 it in a polite way, so I'm not going to yell back at 11:14:53
2 you. But you've got your answer. You had your 11:14:54
3 opportunity to ask the question. If you want to ask 11:14:56
4 specific questions to probe, that's certainly 11:14:59
5 permitted, although, again, this is all outside why she 11:15:01
6 was brought here, which was not to talk about 11:15:04
7 Reynolds's public representations about health effects 11:15:07
8 or children's marketing. Those issues are not in the 11:15:10
9 PMK's, not fairly within the PMK's. 11:15:15
10 Again, the topics in the PMK notice are so broad, 11:15:19
11 you can't say, "I set down this broad thing, consumer 11:15:21
12 marketing," and then say, "Everything I decide to ask 11:15:25
13 falls within that." That's just not a legitimate way 11:15:28
14 to go. If you're going to ask -- if you're going to 11:15:31
15 have broad categories like consumer -- consumer 11:15:33
16 smoking, you're going to have to suffer with the fact 11:15:36
17 that no one can know what the hell you're talking about 11:15:39
18 and no one can prepare properly for that. 11:15:42
19 So again, I won't permit this procedure. I will 11:15:45
20 let you ask, for example, the question about 11:15:47
21 Mr. Johnson and what he said at a particular time and 11:15:50
22 whether she's aware of it. 11:15:53
23 MR. BLUMENTHAL: To do that, I'm going to play the 11:15:55
24 tape. You don't have to sit in the room. You're free 11:15:57
25 to leave while I play it, but I'm going to put it on 11:15:59

1 the record. If you'd like to stay -- I can't keep you 11:16:03
2 here, obviously, but we're going to play the tape. So 11:16:06
3 it's your choice. 11:16:09

4 MR. THOMPSON: I'm not going to stop you from 11:16:12
5 playing the tape. I also probably overstated when I 11:16:13
6 said we would leave. I will simply instruct her not to 11:16:15
7 answer any questions about the tape. 11:16:20

8 MR. BLUMENTHAL: Okay. Let's start it back at the 11:16:22
9 beginning. 11:16:23

10 MR. BLUMENTHAL: Before you start, how long is the tape? 11:16:35
11 Do you know? 11:16:37

12 MR. BLUMENTHAL: It's going to run -- my 11:16:38
13 recollection when I did it -- I'm going to play the 11:16:39
14 whole thing -- it's about 15 minutes. 11:16:42

15 MR. BLUMON: Okay. 11:16:45

16 MR. THOMPSON: You know, Norm, I've got to say 11:16:46
17 you're going to waste 15 minutes of her time, plus 11:16:46
18 another 15 minutes asking questions that I'll instruct 11:16:48
19 her not to answer. And, frankly, maybe I spoke too 11:16:51
20 soon when I said we wouldn't leave the room. 15 11:16:56
21 minutes? You expect -- you're going to film a 11:16:59
22 videotape for 15 minutes? I just can't believe you 11:17:02
23 really plan on doing it. 11:17:06

24 MR. BLUMENTHAL: And you're free to stay and free 11:17:09
25 to go. I'm going to ask questions on it. You're free 11:17:10

1 to instruct her not to answer. But I have foundation. 11:17:13
2 We'll go to the judge at some point, because I think 11:17:19
3 that I'm entitled to some answers to these questions. 11:17:21
4 MR. THOMPSON: I don't. Actually, I've got to say, 11:17:24
5 you can play the tape, make your record. We're 11:17:25
6 leaving. We'll come back. But again, I'll instruct 11:17:28
7 her not to answer. And I'm not going to have her sit 11:17:31
8 here while you repeatedly ask questions about it. And,
9 of course, I will instruct her repeatedly. 11:17:34
10 MR. BLUMENTHAL: I think you can make me an offer 11:17:38
11 of proof that you're not going to answer any questions 11:17:39
12 only after I play it. 11:17:42
13 MR. THOMPSON: I'm doing that now, and you're still 11:17:44
14 going to waste our time with going through playing the 11:17:44
15 tape. 11:17:46
16 MR. BLUMENTHAL: I'm going to make my offer, and 11:17:47
17 you can certainly make yours, but I'm not going to be 11:17:49
18 deterred in making my presentation. 11:17:53
19 MR. THOMPSON: Okay. Ms. Creighton, let's go. 11:17:55
20 When the tape is over, you can tell us. 11:17:58
21 MR. BLUMENTHAL: Okay. For the record, you can 11:18:00
22 note that the witness and her counsel have left the 11:18:06
23 room. And we will play the tape. 11:18:09
24 (At this point, the witness and her counsel
25 left the deposition proceedings.) 11:18:15

1 (Videotape being played). 11:18:19

2 UNIDENTIFIED SPEAKER: Gentlemen, we welcome you to 11:18:35

3 our hearing today. Raise your right hand. Do you 11:18:38

4 swear that the testimony you're about to give is the 11:18:40

5 truth, the whole truth and nothing but the truth? 11:18:43

6 (All present agree).

7 UNIDENTIFIED SPEAKER: Please consider yourself to 11:18:47

8 be under oath. 11:18:49

9 THE NARRATOR: In April 1994, the House 11:18:50

10 Subcommittee on Health and the Environment heard 11:18:51

11 testimony from the CEOs of the leading tobacco 11:18:55

12 manufacturers. Representative Henry Waxman, then 11:18:59

13 chairman of the committee, stated in his opening 11:19:03

14 remarks that the purpose of the hearing was to mark the 11:19:06

15 beginning of a new relationship between Congress and 11:19:08

16 the tobacco companies. What Representative Waxman was 11:19:12

17 alluding to was the changing tide toward treating the 11:19:15

18 tobacco industry like other consumer-product 11:19:19

19 industries, rather than continuing to exempt or protect 11:19:22

20 it from regulatory laws. 11:19:26

21 This videotape will let you see for yourself how 11:19:28

22 the industry is arguing against this change. 11:19:32

23 Juxtaposed against these arguments are facts you will 11:19:36

24 find useful as you work to improve the public's health 11:19:39

25 by reducing tobacco use. We hope these facts will help 11:19:42

1 you establish your position in a logical and effective 11:19:46
2 way. Now let's go to the Hill. 11:19:49

3 UNIDENTIFIED SPEAKER: I came out of retirement to 11:20:01
4 join the tobacco industry, mindful of the challenges 11:20:02
5 presented to it at this time and also with the 11:20:06
6 knowledge, borne of my experience, that the tobacco 11:20:10
7 industry is one of the respectable American industries 11:20:13
8 to make up American commerce. It acts responsibly in 11:20:16
9 its business practices, and it produces a product 11:20:20
10 recognized worldwide for its quality. 11:20:24

11 UNIDENTIFIED SPEAKER: Do you or do you not agree, 11:20:28
12 to a certain general estimate, that over 400,000 11:20:31
13 smokers die a year? 11:20:33

14 UNIDENTIFIED SPEAKER: I do not agree. 11:20:34

15 UNIDENTIFIED SPEAKER: Do you know how many died 11:20:36
16 here? 11:20:38

17 UNIDENTIFIED SPEAKER: I do not know. 11:20:38

18 THE NARRATOR: Overwhelming scientific evidence 11:20:41
19 proves beyond a doubt that smoking kills. The fact is 11:20:44
20 that smoking is the single most preventable cause of 11:20:46
21 premature death in the United States. One in five 11:20:50
22 deaths in the U.S. is directly caused by smoking. On 11:20:53
23 average, smokers die at least seven years earlier than 11:20:56
24 nonsmokers. Of the 48 million Americans who smoke, 11:21:00
25 more than 1,100 people die each day in the United 11:21:03

1 States from smoking-related illnesses. The tobacco 11:21:07
2 industry stands alone in denying deaths attributable to 11:21:11
3 tobacco use. The CDC estimates that more than 400,000 11:21:15
4 deaths attributable to smoking occurred in 1990. 11:21:19

5 Finally, more than 3,000 young people start smoking 11:21:24
6 each day, and tobacco use costs our nation \$50 billion 11:21:28
7 in direct medical costs each year. 11:21:33

8 "Chronic Disease." 11:21:38

9 UNIDENTIFIED SPEAKER: The experts also agree that 11:21:42
10 smoking causes heart disease. Do you agree that 11:21:43
11 smoking causes heart disease? 11:21:46

12 UNIDENTIFIED SPEAKER: It may. 11:21:49

13 UNIDENTIFIED SPEAKER: They agree that smoking 11:21:49
14 causes lung cancer. Do you agree? 11:21:51

15 UNIDENTIFIED SPEAKER: It may. 11:21:55

16 UNIDENTIFIED SPEAKER: Do you know whether it does? 11:21:56

17 UNIDENTIFIED SPEAKER: I do not know. 11:21:57

18 UNIDENTIFIED SPEAKER: Mr. Tisch, I want to move to 11:21:59
19 you for a moment. In a deposition last year, you were 11:22:01
20 asked whether cigarette smoking causes cancer. Your 11:22:03
21 answer was, quote, I don't believe so. Do you stand by 11:22:06
22 that answer today? 11:22:10

23 UNIDENTIFIED SPEAKER: I do, sir. 11:22:12

24 UNIDENTIFIED SPEAKER: Do you understand how 11:22:14
25 isolated you are in that belief from the entire 11:22:16

1 scientific community? 11:22:19
2 UNIDENTIFIED SPEAKER: I do, sir. 11:22:23
3 THE NARRATOR: The tobacco companies are isolated 11:22:29
4 in their beliefs not only from the scientific community 11:22:31
5 but from the lay community as well. A recent New York 11:22:34
6 times CBS news poll found that only a 11 percent of 11:22:38
7 those polled believed that the tobacco industry told 11:22:42
8 the whole truth about the health issues associated with 11:22:44
9 smoking. [REDACTED] fact is about 120,000 people in the U.S. 11:22:47
10 die from lung cancer caused by smoking or environmental 11:22:53
11 tobacco smoke. About 180,000 people die each year from 11:22:56
12 smoking-related cardiovascular diseases. According to 11:23:02
13 [REDACTED] the 1989 surgeon general's report, smokers face a 70 11:23:06
14 percent greater coronary heart disease death rate than 11:23:10
15 do nonsmokers. It is also fact that there is no 11:23:14
16 question that smoking causes lung cancer. 11:23:17
17 As early as the 1915, epidemiologic data began to 11:23:21
18 show that [REDACTED] smoking was causally related to cancer of the 11:23:26
19 lung. The 1964 surgeon general's report conclusively 11:23:29
20 established that fact. Numerous studies, since the 11:23:34
21 early findings of the '50s and '60s, have further 11:23:38
22 confirmed the relationship between smoking and lung 11:23:41
23 cancer, taking into account age of initiation, rate of 11:23:44
24 inhalation, race, gender and other factors. 11:23:49
25 UNIDENTIFIED SPEAKER: Let me begin my questioning 11:24:01

1 in the matter of whether or not nicotine is addictive. 11:24:03
2 Let me ask you first -- I'd like to go down the row -- 11:24:07
3 whether any of you gentlemen believe that nicotine is 11:24:10
4 not addictive. I heard virtually all of you just -- 11:24:13
5 yes or no. Do you believe that nicotine is not 11:24:17
6 addictive? 11:24:19

7 UNIDENTIFIED SPEAKER: I believe nicotine is not
8 addictive, yes. 11:24:22

9 UNIDENTIFIED SPEAKER: Mr. Johnson? 11:24:23

10 UNIDENTIFIED SPEAKER: Congressman, cigarettes and 11:24:25
11 nicotine clearly do not meet the classic definitions of 11:24:26
12 "addiction." There is no case. 11:24:30

13 UNIDENTIFIED SPEAKER: We'll take that as a "no." 11:24:33
14 Time is ~~running~~. If you can -- I think each of you 11:24:35
15 believe that nicotine is not addictive. We'd like to 11:24:37
16 have this for the record. 11:24:40

17 UNIDENTIFIED SPEAKER: I don't believe that 11:24:44
18 nicotine ~~or other~~ products are addictive. 11:24:44

19 UNIDENTIFIED SPEAKER: I believe that nicotine is 11:24:44
20 not addictive. 11:24:46

21 UNIDENTIFIED SPEAKER: I believe nicotine is not 11:24:49
22 addictive. 11:24:51

23 UNIDENTIFIED SPEAKER: I believe that nicotine is 11:24:52
24 not addictive. 11:24:54

25 UNIDENTIFIED SPEAKER: I too believe that nicotine 11:24:55

1 is not addictive. 11:24:57

2 THE NARRATOR: The World's Health Organization, the 11:25:00

3 National Institute on Drug Abuse, the American 11:25:03

4 Psychiatric Association and the CDC all agree that 11:25:06

5 tobacco meets the criteria for defining drug addiction. 11:25:09

6 The scientific community agrees that nicotine is highly 11:25:13

7 addictive and regular use of nicotine is a drug 11:25:16

8 addiction. Nicotine is the drug in tobacco products 11:25:20

9 that causes addiction. Smokers themselves believe that 11:25:23

10 smoking is addictive. A gallop poll showed that 87 11:25:27

11 percent of smokers say cigarettes are addictive. 11:25:31

12 UNIDENTIFIED SPEAKER: The strict pharmacological 11:25:38

13 definition of "addiction" involves three different 11:25:40

14 criteria: they are intoxication, physical dependence 11:25:43

15 and tolerance, and to my knowledge, there's no evidence 11:25:46

16 that nicotine or cigarette smoking plays in any of 11:25:49

17 these definitions. 11:25:52

18 THE NARRATOR: There is an entire surgeon general's 11:25:56

19 report and hundreds of scientific papers that prove 11:25:58

20 nicotine causes physical dependence and tolerance, the 11:26:01

21 criteria for drug addiction defined by WHO-NIDA-APA. 11:26:05

22 First, the substance is mood altering and enters the 11:26:13

23 brain through the bloodstream, and the drug is 11:26:17

24 reinforcing. That is, the effects of the drug are so 11:26:19

25 rewarding that the user continues to take it. Second, 11:26:23

1 the drug seeking or taking behavior is driven by strong 11:26:27
2 persistent and often irresistible urges. Third, there 11:26:31
3 are regular patterns of use. Continued use despite 11:26:37
4 harmful effects, relapse, following an abstinent period 11:26:40
5 and recurrent cravings for the drug. 11:26:45
6 Dependence-producing drugs often create a tolerance, 11:26:49
7 physical dependence and pleasant effects. 11:26:53
8 Nicotine is intoxicating and mood altering. It 11:26:55
9 affects the body in different ways. Smokers are able 11:26:59
10 to use nicotine both as a tranquilizer and as a 11:27:02
11 stimulant. Smokers may have a cigarette when they're 11:27:07
12 under stress to calm them down. And they may smoke a 11:27:10
13 cigarette if they're bored or restless to perk them up. 11:27:14
14 Nicotine is a drug that is easy for the user to 11:27:19
15 regulate. The body responds to it quickly. Nicotine 11:27:22
16 reaches the brain within ten seconds of inhalation. 11:27:26
17 According to the 1988 Surgeon General's report, 11:27:31
18 nicotine does cause physical dependence. Withdrawal 11:27:34
19 syndrome is the primary line of evidence to decide 11:27:39
20 whether a drug can cause physical dependence. Numerous 11:27:41
21 scientific studies demonstrate that there are 11:27:45
22 considerable withdrawal reactions from nicotine. 11:27:48
23 Withdrawal symptoms are both physical and 11:27:53
24 behavioral. These include cravings for the drug, 11:27:55
25 irritability, disrupted sleep cycle and changes in 11:27:59

1 blood pressure, pulse and body temperature. People who 11:28:04
2 stop using tobacco experience a period of withdrawal. 11:28:07
3 "Addiction: Another Argument." 11:28:23
4 UNIDENTIFIED SPEAKER: Ligett does not believe that 11:28:29
5 there is any such thing as an addictive level of 11:28:30
6 nicotine in cigarettes or that cigarettes are addictive 11:28:34
7 like heroin or cocaine, as has been alleged. In fact, 11:28:36
8 to equate cigarette smoking with actual hard-drug 11:28:41
9 addiction ignores the significant differences between 11:28:44
10 them. It also blinks at reality. 11:28:48
11 UNIDENTIFIED SPEAKER: During the past several 11:28:53
12 years there have been a wide variety of attempts to 11:28:54
13 convince the American public that cigarettes are 11:28:57
14 addictive and that some public officials have even gone 11:29:00
15 so far as to put cigarettes in the same class as 11:29:06
16 cocaine and heroin. You don't need to be a trained 11:29:11
17 scientist to see this isn't true. All you need to do 11:29:16
18 is ask and honestly answer two simple questions: 11:29:20
19 First, would you rather board a plane with a pilot 11:29:25
20 who just smoked a cigarette or one with a pilot who 11:29:30
21 just had a couple of beers or snorted cocaine or shot 11:29:33
22 heroin or popped some pills? Second, if cigarettes 11:29:38
23 were addictive, could almost 43 million Americans have 11:29:43
24 quit smoking, almost all of them on their own, without 11:29:48
25 any outside help? 11:29:52

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1 THE NARRATOR: Not all addictive substances cause a 11:29:55
2 loss of control to the detriment of others. It's 11:29:58
3 obvious that most people would probably agree that they 11:30:00
4 would rather fly with a pilot who has smoked a 11:30:04
5 cigarette than one who has ingested cocaine. On face 11:30:07
6 value, it is difficult to compare a legal, socially 11:30:12
7 acceptable behavior, cigarette smoking to an illegal 11:30:16
8 socially unacceptable behavior, illicit drug use. 11:30:20
9 However, [REDACTED] the two are quite comparable. As I said 11:30:24
10 before, study after study proves that the criteria that 11:30:27
11 defines drug dependence applies to nicotine. The 11:30:31
12 tobacco industry's argument that nicotine is not 11:30:35
13 addictive because so many people have quit smoking 11:30:39
14 implies [REDACTED] addiction is synonymous with impossible to 11:30:43
15 stop using. But this is not the case. 11:30:47

16 Even if it did, studies show that heroin and 11:30:51
17 cocaine users are able to quit on their own. Yet no 11:30:53
18 one argues [REDACTED] that heroin and cocaine are not addictive. 11:30:56
19 Cigarettes are addicting. 43 million people who quit 11:31:01
20 on their own faced a formidable challenge when they 11:31:05
21 quit. 11:31:09

22 For example, they had most likely tried more than 11:31:11
23 once before they were successful, and many of them had 11:31:13
24 previously participated in a formal smoking cessation 11:31:18
25 program. 11:31:24

1 "Advertising and Children Smoking." 11:31:37
2 UNIDENTIFIED SPEAKER: Mr. Johnson, 1,147 people 11:31:42
3 die each day because of cigarettes. With those deaths, 11:31:45
4 there is a need to replenish the customer base. It is 11:31:49
5 your claim that you do not target children to refurbish 11:31:53
6 that base; is that correct? 11:31:58
7 UNIDENTIFIED SPEAKER: There is no need to 11:32:01
8 replenish that base and no, we do not market to 11:32:02
9 children and will not. 11:32:06
10 THE NARRATOR: The tobacco industry needs to 11:32:10
11 recruit thousands of smokers every day to replace those 11:32:12
12 smokers who die or quit. Adults don't start smoking. 11:32:15
13 Kids do. The fact is 90 percent of people who smoke 11:32:20
14 started before they were 18. Smokers become addicted 11:32:23
15 in their teens. 11:32:28
16 UNIDENTIFIED SPEAKER: Now, I'm not satisfied with 11:32:31
17 your answer, but I do know because you have the 11:32:32
18 opportunity as the chief of your company, to make the 11:32:36
19 decision to pull that ad, so there will be no doubt 11:32:39
20 that you try to attract children. Will you pull that 11:32:43
21 ad and that advertising campaign so we can eliminate 11:32:46
22 the attraction that this ad clearly does to children? 11:32:50
23 Will you do that? 11:32:54
24 UNIDENTIFIED SPEAKER: I will repeat for the 11:32:56
25 record, if I thought that campaign caused any young 11:32:57

1 people to begin smoking, I would pull it in a 11:33:02
2 heartbeat. 11:33:05

3 THE NARRATOR: The fact is that in 1987 when the 11:33:08
4 Joe Camel campaign was introduced, Camel cigarettes 11:33:11
5 increased 64 percent, from a market share of 8.1 11:33:15
6 percent to 13.3 percent among teen-age smokers. Camels 11:33:19
7 are not the only cigarettes heavily advertised. 85 11:33:25
8 percent of adolescent smokers prefer either Marlboro, 11:33:29
9 Newport or Camel, the three most heavily advertised 11:33:38
10 brands. 11:33:38

11 In addition, ads and promotions appear in places 11:33:40
12 where many young people see them, including magazines 11:33:43
13 like Glamour and Sports Illustrated, each of which has 11:33:46
14 a high percentage of readers under 18. Sporting and 11:33:51
15 entertainment events that attract teens are often 11:33:55
16 sponsored by the tobacco industry. The tobacco 11:33:58
17 industry spends \$5.2 billion a year, or more than 11:34:01
18 \$500,000 an hour to market cigarettes. About 20 11:34:07
19 percent is spent on advertising, and 80 percent is 11:34:12
20 spent on promotions such as events, sponsorships, 11:34:16
21 coupons and give-aways. 11:34:21

22 "Advertising and Children Smoke Less." 11:34:59

23 MR. BLUMENTHAL: That's it. 11:35:02

24 MR. DiSAIA: Do you want me to get them? 11:35:09

25 MR. BLUMENTHAL: Yes. 11:35:11

1 MR. EATON: Just for the record, how long has that 11:35:23
2 played? 11:35:24
3 VIDEOPHOTOGRAPHER: The VCR indicates 16 minutes. 11:35:32
4 MR. DiSAIA: Let's take a brief break. It might be 11:35:38
5 easier. 11:35:39
6 MR. BLUMENTHAL: Let's take a break. 11:35:41
7 VIDEOPHOTOGRAPHER: We're off the record. The time is 11:35:42
8 11:35 A.M. 11:35:43
9 (Discontinues off the record.) 11:40:27
10 VIDEOPHOTOGRAPHER: We are back on the record. The time 11:40:31
11 is 11:40 A.M. 11:40:33
12 MR. THOMPSON: Okay. I have asked the witness to 11:40:36
13 go back to her hotel for the time being. It's clear 11:40:39
14 that counsel and I have a very different view about 11:40:42
15 what's appropriate in the deposition and the reason for 11:40:45
16 the deposition, and you know, Norm, there's no reason 11:40:47
17 to hash that out at this point. Instead of -- you 11:40:51
18 know, I toyed with the idea of terminating the 11:40:55
19 deposition, but I think the judge had offered to make 11:40:58
20 himself available for us to resolve disputes like that. 11:41:00
21 So I suggest that we take advantage of that, get some 11:41:03
22 direction from the judge about what's proper and what's 11:41:07
23 not and go from there. 11:41:09
24 And so what I propose to do, Norm, if it's 11:41:14
25 acceptable to you, is to call the judge, see if we can 11:41:17

1 go see him now or at least sometime today, and then 11:41:20
2 I'll present to him my position. You can present to 11:41:24
3 him your position. And we'll see what he says. 11:41:26
4 MR. BLUMENTHAL: That will be fine. There's no use 11:41:30
5 for us to fight it out. We'll have the judge decide. 11:41:31
6 MR. THOMPSON: It would be fun to fight it out, 11:41:35
7 but, of course, neither of us could win until we get to 11:41:38
8 the judge anyway. 11:41:41
9 MR. BLUMENTHAL: Let's go off the record and see if 11:41:42
10 we can get in front of the judge. 11:41:43
11 MR. THOMPSON: Okay. Thank you. 11:41:47
12 VIDEOCAMERAMAN: We're off the record. This is the 11:41:48
13 end of Tape 1 of the deposition. The time is 11:41:52
14 11:41 A.M. 11:41:55
15
16 (At 11:41 A.M., the deposition of
17 FRANCES VIRGINIA CREIGHTON was adjourned
18 for [redacted] recess.)
19 ///
20
21
22
23
24
25

1 (At 2:38 P.M., the deposition of

2 FRANCES VIRGINIA CREIGHTON was reconvened.)

3

4 VIDEOGRAPHER: We are back on the record. The time 14:38:52
5 is 2:38 P.M. 14:38:58

6 MR. BLUMENTHAL: Okay. We're back on the record. 14:39:00
7 We just went to see Judge Praeger, and as a result of 14:39:02
8 that, counsel have agreed that we're going to end this 14:39:06
9 volume of Ms. Creighton's deposition and close it as 14:39:12
10 Volume I 14:39:16

11 We further agree that sometime in September, early 14:39:18
12 October, Ms. Creighton will return to San Diego for two 14:39:21
13 days of deposition, 14 hours -- I think the judge used 14:39:24
14 the term "two days" -- at a mutually convenient time, 14:39:31
15 that we'll have the usual stipulation that we had in 14:39:35
16 the other cases, that the court reporter will waive -- 14:39:38
17 allow her to sign it under penalty of perjury as in the 14:39:42
18 other sunsay depositions that we have. I think -- is 14:39:47
19 that okay, Counsel? 14:39:51

20 MR. THOMPSON: That's agreed. When you say 14:39:52
21 "14 hours," I didn't think you meant anything 14:39:54
22 differently, but the judge meant 14 hours over two 14:39:56
23 calendar days. 14:40:01

24 MR. BLUMENTHAL: Yes. That's what I meant. 14:40:04

25 MR. THOMPSON: What you said is accurate. 14:40:05

1 Anything else, Counsel? 14:40:07

2 MR. DISAIA: No. That's fine. 14:40:11

3 MR. BLUMENTHAL: Acceptable to everybody else? 14:40:12

4 MR. DiSAIA: Yes. 14:40:13

5 MR. EATON: Yes. 14:40:15

6 MS. WESTPHAL: Yes. 14:40:15

7 VIDEOGRAPHER: This concludes the deposition, and 14:40:15

8 we're off the record at 2:40 P.M. 14:40:17

(Whereupon, at 2:40 P.M. the deposition concluded.)

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4 I hereby declare under penalty of perjury
5 that the foregoing deposition is my deposition under
6 oath; that these are the questions asked of me and my
7 answers thereto; that I have read my deposition and
8 have made the necessary corrections, additions or
9 changes to my answers that I deem necessary.

IN WITNESS THEREOF, I hereby subscribe my
name, this day of , 2001.

FRANCES CREIGHTON

Produced by
ERIC

1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF SAN DIEGO)
4

5 I, Florinda St. Cyr, CSR No. 10180, RPR, hereby
6 certify that I reported in shorthand the above
7 proceedings on MONDAY, AUGUST 27, 2001, at 550 West "C"
8 Street, Suite 1440, in the City of San Diego, County of
9 San Diego, State of California; and I do further
10 certify that the above and foregoing pages, numbered
11 from 4 to 84 inclusive, contain a true and correct
12 transcript of all of said proceedings.
13 It was stipulated that the original deposition
14 be delivered to Thorsnes, Bartolotta & McGuire, who was
15 not present, for the purpose of having the witness
16 read, correct and sign the deposition under penalty of
17 perjury; said original thereafter to be forwarded to
18 and maintained by Norman Blumenthal, Esg. until the
19 time of trial.

20
21 DATED: September 2, 2001.
22

23
24
25

Florinda St. Cyr
CSR NO. 10180, RPR

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